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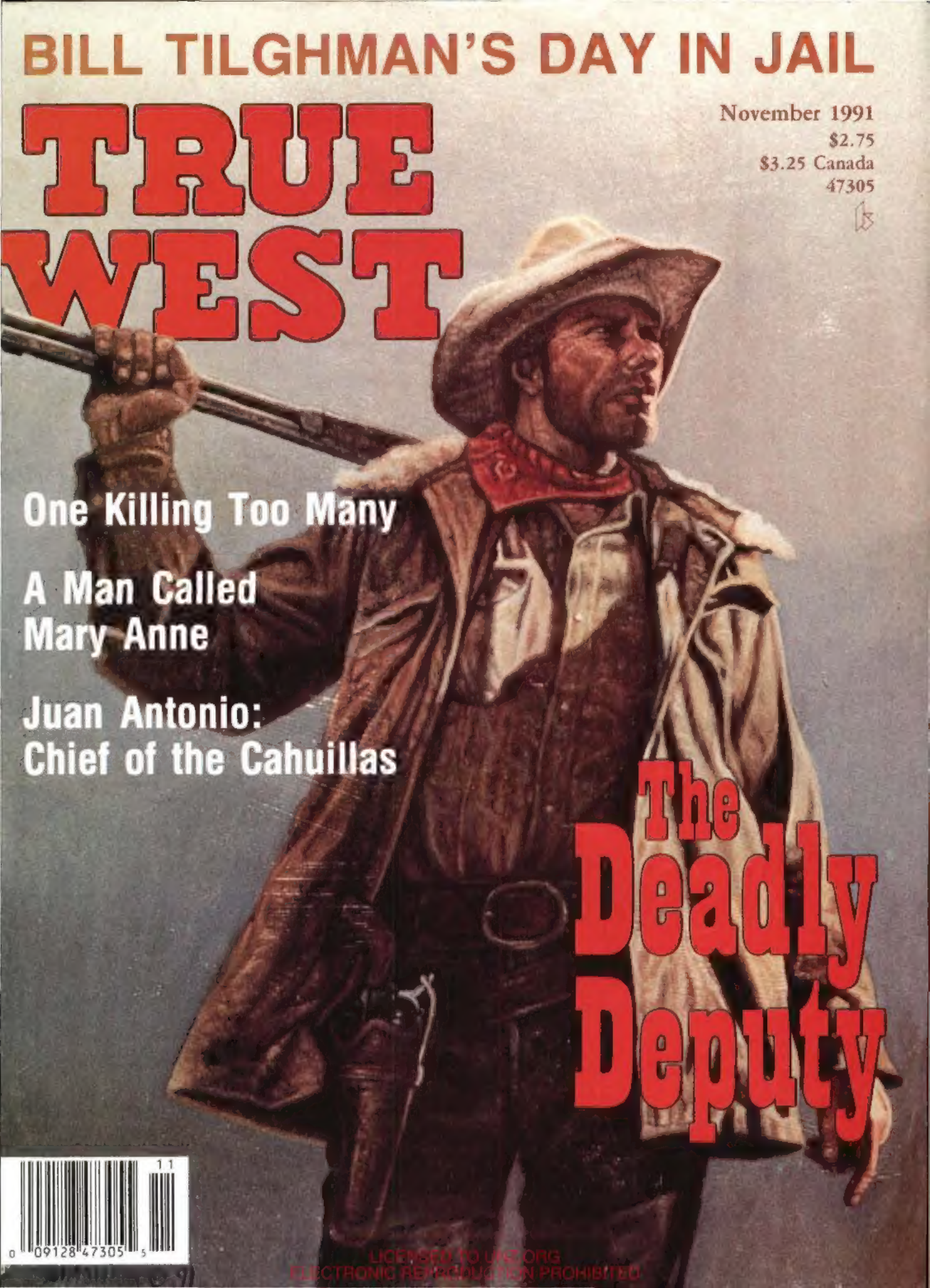

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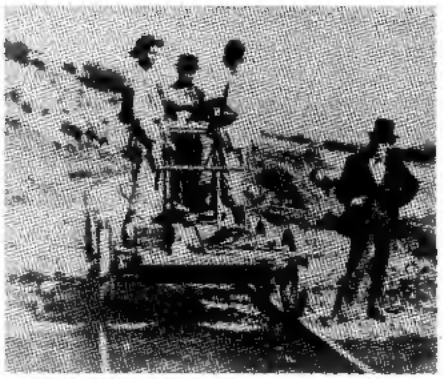

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From the Editor

Howdy, folks!

Once in a while the world is blessed with a historian whose work is respected, read, and enjoyed in academic and nonacademic circles alike; a historian who gets his facts straight, interprets them intelligently and with insight, and then writes about them for real human beings. C.L. "Doc" Sonnichsen was such a historian, and his death last June 29 was a loss to all of us who care about the past, present, and future of the West.

Sonnichsen died just short of his ninetieth birthday, which was to have been celebrated in El Paso, Texas, by his many friends, fellow historians and writers, former students, and readers. He was for many years the head of the English department and, later, dean of the graduate school at the University of Texas at El Paso. During his long career he published numerous books and countless magazine and journal articles on the history and folklore of the Southwest.

Sonnichsen's greatest contribution to western history, though, wasn't any one of his books or articles, or even the entire body of his writing. It was his spirit of hard-headed insistence on thorough research and intellectual honesty combined with old-fashioned horse sense and high good humor. That spirit infused his life and work and touched everyone whose path he ever crossed, even enabling him to research and write about badmen and feuds in Texas—a state where emotions still run high among descendants of history's violent factions—without being shot himself.

The news of Doc's death brought to mind the few times I had seen him and the fewer times I had managed to chat with him at Western Writers of America conventions: riding an elevator with him and his wife, Carol, at San Angelo, Texas; listening to him give an uproarious but pointed banquet speech "off the cuff" at Sheridan, Wyoming, when the scheduled speaker was unable to attend; seeing him just days before his death, bounding up stairs two at a time in an Oklahoma City hotel and hearing him and two of his friends spontaneously singing barbershop harmony at the Cowboy Hall of Fame.

I met Doc at Fort Worth in 1986, when I was on a WWA panel about magazine publishing. After the session, Doc and Carol, who had been sitting in the front row, introduced themselves and asked about TRUE WEST's founder and publisher, Joe Small. We chatted briefly, and like everyone else, I found him genuinely charming and down to earth. Then, as he took his leave, he added in passing, "By the way, I disagree with what you said about Jesse James, but that's your business."

I picked up the pieces of my ego and came home from Fort Worth. Not until a year later when I saw Doc in Sheridan, genial and gracious as ever, did I realize he was one of those rare people who can take delight in honest, intellectual disagreements without turning them into petty personal feuds, who can maintain their respect for those with whom they have a difference of opinion. He said what he thought and he argued forcefully for his beliefs, but always with kindness and humor. He expected—and inspired—others to do the same.

As a panelist in Oklahoma City last June, Doc attacked the controversy between the so-called "New Historians" of the West—the ones who are painting western history in bleak terms of hardship, failure, racial exploitation, and environmental plunder—and those who see western history in the traditional light of Civilization's triumphant march across North America. Doc pleaded eloquently and with his patented sense of humor for a more balanced approach to history recognizing both the good and the bad in what has gone before.

Contributing greatly to the whole controversy, he said, is the almost complete absence of a sense of humor on either side of the argument. He called for both the new and the old historians to stop being so deadly serious and to open their eyes to the funny, often downright ridiculous side of human nature. His prescription would go a long way toward healing not only the study of history but much of what ails society in general. Doc sparked a minor explosion that afternoon—then, his failing eyes sparkling, sat back to enjoy the debate.

If there is a heaven for historians, Doc bounded up the stairs two at a time, telling tales and making the angels laugh. But we surely could have used him here on earth just a little while longer.

John Joerschke

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Mounted Bank Robberies and Spurs

I have been a subscriber to TRUE WEST for several years and thoroughly enjoy reading it. What prompts this letter is a couple of items in the September 1991 "Answer Man" column.

The first item is "Last Mounted Bank Robbery." I recall a bank robbery in Oklahoma sometime in the 1930s. A couple of would-be bank robbers hit on the novel idea of using horses to escape detection. At the time in a predominately rural area, everyone knew everyone else's car, and a strange car would have been noticed.

The robbery went off without a hitch, and the robbers escaped on horseback. The local sheriff did some bird-dogging and eventually caught the culprits. I don't recall the exact date or the names of some of the principals. I do recall the name and location of the bank and the banker involved as well as details of the crime. As I remember, the reaction of the local people was mostly one of amusement.

The other item was "Spur Fashion." It was highly amusing. Spurs weren't worn for fashion. They were part of our working equipment like a lariat rope, etc. It would be hard to accidentally spur a horse—while mounting from the left side, that is. As for mounting from the right side, I suspect even the most gentle old cow pony would be a bit upset at that. Yes, everyone that I ever saw wore both spurs.

In the 1930s, a kid offered to trade me his pair of aluminum spurs for my pair of fairly ornate Mexican-style spurs. I traded. Those aluminum spurs were nice and light and were a pleasure to wear. Later in the thirties, I did some rodeo riding and they worked okay for that, too. I still have those old spurs. They appear to have bronze rowels. I had never seen another pair until a couple of years ago when I saw a spur collector's exhibit at a local gun show. He had about 200 or 250 pairs of spurs in his collection, but only three or four made of aluminum. He said they were scarce and didn't know who made them. It would be interesting to know what manufacturer made them.—**Ed Krebs, 1038 North 26th Street, Phoenix, Arizona 85008.**

Osage War Monument Dedicated

I have some follow-up information to my article, "The Osage War of 1837" (TRUE WEST, April 1991). A newly installed Osage War monument was dedicated June 15, 1991, in a beautiful ceremony featuring representatives of the Osage Tribe and Native American singers and drums. The marker is on the

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courthouse lawn in the town square of Carthage, the seat of Jasper County, Missouri, where much of the activity of the Osage War took place along Spring River and Center Creek.

Thanks for printing the Osage War article. It has helped to revive interest in our rich Ozark Indian heritage here in southwest Missouri. TRUE WEST performs a valuable service by promoting our nation's frontier heritage in a manner that is both educational and entertaining.—**Steve Cottrell, Route 5 Box 49, Carthage, Missouri 64836.**

A Gold Mine in Your Own Backyard

I want to tell you how glad I was to read "Windows to the Past: A Beleaguered Bodie," by Noella Ballenger and Jalien Tulley (TRUE WEST, April 1991). It is an excellent article on how Bodie and even Mono Lake are threatened by the proposed mine. We have been up against the same kind of thing here in Cave Creek Canyon and are still fighting.

A gold mine in your backyard may sound like a romantic throwback to yesteryear, but the reality is appalling—and something many of us living in the West have to confront. The throwback to yesteryear—indeed, 119 yesteryears—is the 1872 Mining Law. Believe it or not, this is still the law governing our public lands, though instead of the prospector with his faithful burro and trusty pick, huge machines chew up mountains and rip the earth. A new gold rush is on, and what it will do to the deserts, forests, and mountains that we all love is horrendous to imagine.

The high price of gold makes it feasible for companies to move and pulverize and cyanide leach many tons of rock if from it they can produce *one* ounce of gold.

The West we all love is being pillaged, often by Canadian, Australian, or British companies who pay no royalty to our government for extracted minerals, though oil and gas companies must. If they prove up their claims, they can buy the land for as little as $2.50 an acre. It's more than time this bewhiskered law was changed. Please accept my strong and decided vote for

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A (Hi)storybook Romance

I have been a subscriber to TRUE WEST since January 1990, and I thought you would be interested in knowing how it has affected my life.

When I first began reading TRUE WEST, it was difficult to find it in my local bookstores. So I ordered a two-year subscription, which began quite promptly. I sent you a letter of appreciation, which you published.

Well, as fate would have it, a reader of yours, a native Oklahoman, saw my letter and wrote to me. That was in May 1990. Over a year later, I am happy to announce my forthcoming marriage to this wonderful man. I will be moving to Oklahoma and will be making a home in the Nowata area. I'll bet you never think of yourselves as matchmakers, but for us that is what you are. If you hadn't printed my letter, well, my life would be very different, I can tell you. We'll be sure to send you a wedding picture once the deed is done!—**Lisa Gudino, 10012 Cirrus Way, Sacramento, California 95827.**

Editor's Note: Well, don't that beat all! I love a happy ending, but all's I can think about is how sorrowful it is that the two of you will be able to get by with only one subscription.

More Notorious Ladies

I just finished the August issue of TRUE WEST. As always, it included lots of good reading. I really enjoyed "Madame Moustache: Notorious Gambler," by Maureen Bell. It really was good.

How about more articles on the notorious ladies of the West? They were just as important as the gunslingers. How about some stories on "soiled doves"?

All your stories are great. Thanks for such a good mag!—**Clay Rein 116-4 Street, Minot, North Dakota 58701.**

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Belle Starr Museum Dedicated

By PHILLIP W. STEELE

There are museums for Frank and Jesse James and the Younger brothers, the Dalton gang, the Earps, Judge Isaac Parker, and many other notable Old West figures. But one such individual, assassinated over a century ago and the subject of many books and articles, has had no museum to preserve her history. She was Myra Maebelle Shirley—Belle Starr—and on May 4 she finally earned a museum.

The museum's story began in 1990 when an Arizona collector acquired the estate of Kenneth Scott in Elko, Nevada, shortly after Scott's death. Scott had been the last husband of Jeannette Steel Andrews, Pearl Starr's third daughter. Pearl, who gained historical notoriety for her Fort Smith and Arizona brothels, was Belle Starr's only daughter.

Jeannette had taken a great interest in her grandmother and had preserved many of the Starrs' photos, letters, and personal effects. The Arizona dealer immediately recognized the value of the collections and their museum potential, and contacted the city of Carthage, Missouri, Maebelle Shirley's birthplace. Carthage city officials negotiated the purchase of the Belle and Pearl Starr effects, but many Carthage citizens balked at spending tax dollars on a museum honoring an outlaw and a bordello madam.

Lowell Davis, an internationally-known artist and creator of the "Rural America" porcelain sculpture series, learned of the problems Carthage officials were having. Lowell, originally from Red Oak, Missouri (which no longer exists), returned to the Carthage area in 1974 with his wife, Charlotte, and their family. Lowell acquired a large farm a short distance from the city, named it Fox Fire Farm, and established his studios there. Regretting the fact that his home town of Red Oak was gone, he decided to recreate the city on his farm. Over the past seventeen years the Davises have located old buildings and homes of the era in which Lowell grew up, moved them to Fox Fire Farm, and restored them to their original con-

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ditions. Red Oak II has been reborn with a general store, one-room school, church, blacksmith shop, log and Victorian homes, and even a 1930s Phillips 66 station.

Lowell and Charlotte became aware of a home nearby that Belle's father, John Shirley, reportedly had built when he came to the area from Kentucky in 1847. Myra Maebelle was born there in 1848. Several weeks of research in county records research proved the home truly was that of the Shirley family. Although it was in very poor condition, the house had somehow stood for over 144 years. Seeing the historic significance of the Shirley home and the Starr family collection, Lowell and Charlotte became excited over creating a Belle Starr museum on their farm and managed to acquire both the home and the collection.

Over the next several months the Shirley house was moved a few miles to the farm and immaculately restored. Charlotte painstakingly arranged for display cases, framing, and presentation of the Belle and Pearl Starr story to the public.

The museum was dedicated May 4. It is open 10:00 a.m. to 6:00 p.m. daily except Sunday. There is a one dollar entry fee to the museum. Admission to the rest of Red Oak II is free.

Chinese Westerners Exhibit Runs Through March 8

"Gum San: Land of the Golden Mountain," an exhibition of Chinese contributions to the development of the American West, is on display at the High Desert Museum in Bend, Oregon. The exhibit will run through March 8, 1992.

The exhibit tells the story of the Chinese in the West from the California Gold Rush to the early twentieth century. It is a history "as full of hardship and oppression as it was of industry and opportunity," says Robert Boyd, curator of western heritage and principle organizer of the exhibit.

"Gum San" consists of text written by Dr. Jeffrey Barlow and Christine Richardson of Portland, Oregon, historic black and white photos from private sources and a number of institutions, period artifacts from the museum's collections, and color photographs of existing Chinese structures and related landscapes by photographer Barry Peril.

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The display is the High Desert Museum's first major traveling exhibit. It is tentatively scheduled to be shown at the Oregon Historical Society, the Umatilla County Historical Society, and the Southern Oregon Historical Society in April, August, and December 1992, respectively, and several other regional institutions in 1993 and 1994.

The High Desert Museum is six miles south of Bend on U.S. 97. It is open every day, 9:00 a.m. to 5:00 p.m. Admission is $5.00 for adults, $4.50 for seniors, and $2.50 for children ages five to twelve; younger children and museum members enter free.

Arizona Lawmen Commemorated

The Arizona Hall of Fame Museum in Phoenix currently has on display an exhibit of Arizona territorial lawmen, and has opened its new Arizona Women's Hall of Fame exhibit. The first runs until March 13, the second until August.

The territorial lawmen display traces law enforcement from the discovery of silver in Tombstone to Arizona statehood in 1912. It features Yavapai County Sheriff George C. Ruffner's office, recreated as it was in May 1897; Cochise County Sheriff John Slaughter's handcuffs and shotgun; one of Wyatt Earp's pistols; and Arizona Ranger Chapo Beaty's saddle. The exhibit also displays a collection of photographs.

On August 19 the museum opened its revised exhibit honoring 1990 inductees into the Arizona Women's Hall of Fame. It features the first black inductee, Vernell Coleman. She was a schoolteacher, founder of the first daily newspaper in Arizona, the first woman physician in Prescott, an environmentalist, and state legislator.

The Arizona Hall of Fame Museum is located in the restored Carnegie Library at 1101 West Washington Street. It is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. Guided tours can be arranged by calling (602) 542-4581.

Western Roundup is a report on places to go and things to see associated with the history of the Old West. Submissions are welcome. Information on scheduled events should be submitted at least four months prior to the event. Items on historic places are also welcome. Send information including photos to: Western Roundup, Western Publications, P.O. Box 2107, Stillwater, OK 74076.

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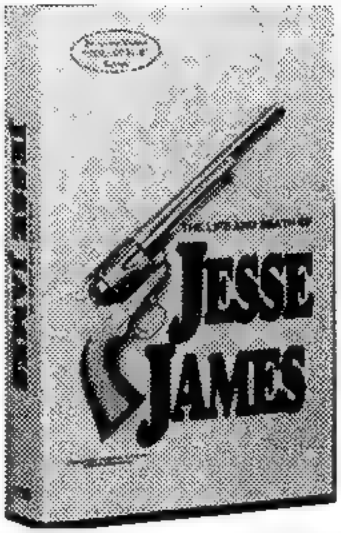

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Civil War Guerrilla Arch

By CHUCK PARSONS

A man named Archibald J. Clement, or Clements, cared for Jesse James after a soldier wounded him. Betty Densmore, 1053 Dixie Ann Avenue, Sacramento, CA 95815, wants to know more about Clement.

Clement was a Missouri guerrilla during the Civil War. He had a brother, Henry B. Clement, who was a guerrilla under "Bloody Bill" Anderson. Arch Clement was no kin to the Clements family who achieved some fame as cattlemen in South Texas and who were also first cousins to John Wesley Hardin.

Jesse James was wounded on May 15, 1865, and nursed back to health, possibly by Clement. Bacon Montgomery reportedly killed Clement December 13, 1866. That statement was made in a letter to the Kansas City *Times*, written from "Safe Retreat" August 18, 1876, and signed by Jesse James. That Jesse remembered this particular guerrilla suggests a special feeling for him, possibly because Clement did save his life.

Library of Congress

Left to right: Arch Clements, Dave Pool, and Bill Hendricks. The photo probably was taken at Sherman, Texas, on Christmas Day, 1863.

A Guerrilla Named Sue

Marcellus Jerome Clarke, another Civil War guerrilla, used the unlikely alias of Sue Mundy. Margaret A. Moore, 24602 South Lake Drive, Wilmington, California 90744, wrote to ask for more information on Mundy.

There is no complete biography of this Kentucky guerrilla, but his name is scattered through various sources. John N. Edwards, in his book *Noted Guerrillas*, describes Sue Mundy as "a quiet, gentle, soft-spoken dandy" whose fine form and features perhaps were the inspiration for the alias. There is no question as to Mundy's existence. The multivolume *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* contains several documents discussing his guerrilla activities. William Connelly, who wrote the first full-length biography of Missouri guerrilla William Clark Quantrill, said the "notorious Kentucky robber and murderer, Jerome Clark, known as Sue Mundy" was hanged at Louisville for wartime atrocities.

Interestingly, on August 14, 1863, a large three-story Kansas City building being used as a prison for the guerrillas' women, collapsed. Three of the women were sisters of Missouri guerrilla "Bloody Bill" Anderson. Sue Vandiver and Armenia Gilvery, cousins of the Younger brothers, also were imprisoned there, as well as a woman named Susan Munday, whose name may have become the source of Clarke's alias. Several of the women died or were injured in the collapse, and guerrillas claimed Federal forces deliberately undermined the building so it would fall.

Walker of the Wild Bunch

Joe Walker once rode with Butch Cassidy's Wild Bunch; Jack Walker, NHCU-Veterans Medical Center, Building 8, Waco, Texas 76703, asks for more information about that outlaw.

Pearl Baker, in her book *The Wild Bunch at Robbers Roost*, devotes a chapter to Walker but does not discuss his origins. According to Walker's own story, he was a Texan, born around 1850. After his father's death, his mother turned their estate over to her brother, a Dr. Whitmore. In the late 1860s or early 1870s Whitmore moved his cattle and the Walkers to Arizona, where Indians killed him. His widow sold her rights to the Mormon Church, then moved to Carbon County, Utah.

However, this was Walker's version of how he got to Utah. The Whitmores denied there was any relationship between Walker and themselves, and denied any truth in Walker's claim.

Walker became a nuisance to the Whitmores; he also became a horse thief. The only big-time robbery he participated in was the Castle Gate payroll robbery on April 21, 1897. It netted Walker, Cassidy, and Elzy Lay about $8,000. After that the law began to hunt Walker in earnest.

Walker and two young cowboys were camped and sleeping when a posse caught up with them on May 13, 1898. As the men began to stir, Carbon County Sheriff C.W. Allred and his possemen began to shoot. Walker and a companion named Johnny Herring were both killed. Apparently Walker was the only one of the three men wanted by the law, the others were simply innocent cowboys.

Wagons Ho!

Wagons were the mass transportation of the Old West. Kelly Mercer, 7609 Standifer Gap Road, Chattanooga, Tennessee 37421, wants to know if there is a good book with illustrations of the various types of wagons.

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Clements

The best general book on the subject is *Western Wagon Wheels: A Pictorial Memorial to the Wheels that Won the West* (Superior Publishing Company, Seattle, Washington, 1970), by Lambert Florin.

This question has come up before, and I would like to share part of a letter I received from Marc Simmons, a past-president of the Santa Fe Trail Association. He wrote, "Most wagon manufacturers had their own wheelwrights right on the premises. Wheelwrighting, of course, combined the crafts of carpentry and iron smithing. The average frontier smith did little wheelwrighting, other than quick repairs, as his shop usually lacked the specialized tools required, from spanners to tire shrinkers.

"Missouri had the largest number of frontier wagon makers because the Santa Fe, Oregon, and California trails all began there. Overland travelers needing wheel replacements or repairs could apply to these makers. In St. Louis, prominent wagon makers in the 1850s were Joseph Murphy at 362 Broadway and J. Kern on Spruce Street. Another was Louis Epenschied. . . in fact, the St. Louis business directory for 1859 listed sixty-five wagon makers in the city. They usually shipped their wagons 'in knockdown' on steamboats up the Missouri River, to be assembled at the trail head."

Another noted wagonmaker was Hiram Young, a free black who was burned out during the Civil War. Isaac J. Wister reported in his memoirs seeing a fifty-acre junkyard of worn out Santa Fe Trail wagons at Independence in 1861. Certainly some people who could not afford a new wagon gathered parts there, just as automobile junkyards of today furnish parts.

If you have a question, send it to Chuck Parsons, Western Publications, P.O. Box 2107, Stillwater, OK 74076. Please keep questions brief. Sign your full name and address, including zip code. Names and addresses will be published if question is used. Space limitations may not permit us to use all questions.

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Deadly Deputy

By R.K. DeARMENT

Silver City Museum

Sheriff Harvey Whitehill of Grant County, New Mexico. Whitehill was not a gunman himself, but he employed one of the best in Dan Tucker.

Dan Tucker rode into Silver City, New Mexico Territory, in 1875 just as Grant County Sheriff Harvey Whitehill was looking for a deputy. Whitehill was a large, imposing man, but he was compassionate to both the honest and lawless alike. He normally did not carry a gun and was not known to have ever killed anyone; he preferred to hire men of demonstrated leather-slapping ability to do his gunwork. Twenty-six-year-old Tucker appeared to be such a man.

Tucker was as ordinary in appearance as Whitehill was striking. One Silver City resident described him as "slim built," with blue eyes and light hair, and "of a shy and retiring disposition." He was customarily attired in "dark sombrero, blue flannel shirt, overalls, and light calf-skin boots." Nothing in his dress or demeanor distinguished him from hundreds of others arriving to join the district's new mining excitement. Born in Canada and a machinist by trade, he had been raised in Indiana and had come to Silver City from Colorado.

Perhaps a few eyebrows were raised when Sheriff Whitehill pinned a deputy's badge on the soft-spoken young man, but rumors were already afloat that the new county officer was a dangerous man, indeed. Some said that he had fled Colorado after stabbing a black man to death; others were sure Whitehill had known Tucker in Colorado, had seen him in mortal action, and had sent for him.

Whatever deeds lay on Dan Tucker's back trail, during his thirteen-year stay in Grant County he would demonstrate on many occasions his skill with weapons and his willingness to use them. Seven years after Tucker's Silver City arrival, a newspaperman would attribute eleven killings to his quick gun in New Mexico. In a newspaper interview many years later, Wayne Whitehill, son of the sheriff, would say that Dan Tucker dispatched twenty-one. Like most of the notch-sticks credited to notorious gunmen of the Old West, Tucker's has no doubt been over-carved. However, during his New Mexico years he was unquestionably the top gun in a very tough district.

"I, myself, saw him kill two different men," recalled Wayne Whitehill in 1949. "There was a saloon in the dance hall on Broadway. It was filled with Mexicans. One of them stuck a knife into the back of another, then ran out of the saloon and up the street. Dan Tucker happened to come along. I was standing right beside him. He drew his six-shooter and holding it with both hands fired just as the man turned the corner. The shot hit the Mexican in the neck and killed him instantly."

This was probably the same shooting witnessed by brothers Dan and Will Rose, youngsters about Wayne's age. Describing the incident some sixty years later, Dan Rose said the knife-wielding Mexican was running about "50 yards away and barely discernable in the dim light" when Tucker fired. "Spinning like a top," the man screamed once and fell to the street dead. The man he had knifed, one Belmudas, "had been slashed across the abdomen and his in-

Silver City Museum

Tucker served as Wells, Fargo & Co. express agent on this stagecoach, which ran between Deming and Silver City. This photograph, taken at Broadway and Main in Silver City, includes G.W. Huffaker, standing on the wheel. Huffaker replaced Tucker for a period in 1882 when he was in jail on a charge of murder.

testines were hanging out. . . . The doctor gathered them in his hands, washed and replaced them; then sewed up the wound. . . . Belmudas lived forty years longer."

The other occasion when Wayne Whitehill saw Tucker in action resulted from a report that a Mexican was throwing rocks at people. When the deputy went to investigate, young Whitehill "trotted after." Tucker located the rock-thrower and, according to Whitehill, "just popped him through the window and killed him."

Dan Rose related a number of other undated and undocumented shootings in which he said Tucker engaged. There was the downing of "a Mexican thief who would not stop to be arrested," and the shooting of three suspected horse thieves in a Silver City saloon, "two of [whom], mortally wounded, dropped to the bar room floor, while the other, made helpless by a bullet that grazed his skull and his desire to fight all gone, fell helpless by the side of his comrades."

There were the two thieves who had looted the cabin of a prospector, stealing his money, provisions, weapons, and animals. Tucker is said to have taken the trail and returned two days later with the stolen stock and valuables. "They didn't want to come back" he reported. "I left them with a rancher; he'll bury them all right."

Rose said Deputy Tucker was called to a house "where a Mexican was murdering his wife and son. He had beaten them with a club, and had begun to demolish the furniture when Tucker arrived. . . . As Tucker, with his gun in his hand, entered the door, the Mexican brought his club down on the deputy's arm, knocking the gun to the floor. Quick as a flash, Tucker picked up the gun with his left hand and shot the Mexican dead."

In late 1877 Tucker became involved in the complicated and murderous conflict known as the "El Paso Salt War," which erupted in the Rio Grande Valley of west Texas. What began as an economic and political struggle over ownership rights to commercial salt beds some one hundred twenty miles east of El Paso degenerated into a vicious and bloody racial battle between white Texans and Mexican-Americans supported by Mexican nationals. In December three Texans were killed in vicious fighting; another three surrendered, only to be executed by a Mexican mob at San Elizario. A combined force of U.S. soldiers from Fort Bayard and a contingent of Texas Rangers seemed incapable of controlling the volatile situation. Sheriff Charles Kerber of El Paso County was authorized by Governor Richard Hubbard to raise a posse of fighting men. He turned for help to Silver City, which was known to be well stocked with tough adventurers who would welcome an opportunity to battle Mexicans for forty dollars a month and forage.

Dan Tucker was named captain of the expedition. Enlisting the aid of John Kinney, a notorious rustler and outlaw gangleader, he put together a force of some thirty warriors described by one historian as "hard faced and battle scarred," and headed for El Paso. From there, on December 22, the contingent of U.S. Army troopers, Texas Rangers, and New Mexico mercenaries moved on to San Elizario. Several Mexicans suspected of involvement with the mob were killed, and a mass exodus across the border into Mexico ensued.

The militant Mexicans having evaporated, the Anglo force went into camp at Ysleda. With no enemy upon which to vent their spleen, members of the patchwork army began to turn on each other. "Quite an unfriendly feeling exists between the Rangers and United States troops stationed in El Paso County," understated a Silver City paper. On the first day of the new year of 1878, that "unfriendly feeling" burst into violence and one posseman shot and killed another.

Ten days later Sheriff Kerber disbanded his "posse" and the New Mexico mercenaries headed for home.

Silver City Museum

In Silver City's Centennial Saloon Dan Tucker became involved in his most controversial shooting.

In April 1878 Tucker, while still retaining his deputy sheriff's commission under Whitehill, was named the first city marshal at Silver City. By all accounts, Tucker kept the rough element under firm control during the two years he served as Silver City marshal. Only three months after his appointment a local paper announced, "Marshal Tucker, under the city government, has put a stop to the discharge of fire arms upon our streets."

He narrowly escaped death at the hands of a drunk late in December 1879. "City Marshal Dan Tucker was shot at last Tuesday night by a Mexican known as Carpio Rodriquez," said the Silver City *Herald*. "The ball passed through the marshal's clothing but fortunately did not touch his person. Rodriquez was intoxicated at the time and resisting arrest."

In January 1880 Tucker turned in his city marshal's star to go to Shakespeare, a little town in the desert a few miles from Lordsburg. Shakespeare was enjoying a mining boom, and cattle-range outlaws and mining-camp toughs from both southern New Mexico and Arizona had made it their favorite watering hole. John Kinney's rustlers and the San Simon gang of Curly Bill Brocius were threatening to take over the town. Whitehill dispatched his top-gun deputy as a troubleshooter to cool things down.

Tucker's adventures with the outlaws at Shakespeare have gone unrecorded except for his part the following year in the termination of the careers of Sandy King and Russian Bill, two members of the Curly Bill crowd. Russian Bill, whose name was Woldemar Tetenborn and claimed to be of noble birth, stole a horse in Shakespeare and rode out, headed for Deming. Tucker went in pursuit, overtook the thief, and brought him back to town. While the deputy was gone, Sandy King took on a load of booze and terrorized the town.

Arriving back in Shakespeare, Tucker arrested King and locked him up with Russian Bill in the shack that served as a jail. A miners' court went into session that very day in the dining room of Fred W. "Beanbelly" Smith's Stratford Hotel, located, of course, on Avon Avenue. Russian Bill was convicted of horse theft and Sandy King of being "a damned nuisance." Both were condemned to hang, with execution of the sentences to be carried out immediately. Since Shakespeare had no trees, the rafters of the dining room were employed as a gallows. The bodies were left hanging a full day as a warning to others. It was not recorded if "Beanbelly" Smith's restaurant trade suffered during that period.

By the fall of 1881 the railhead town of Deming on the Southern Pacific line southeast of Silver City had become the new Grant County hellhole. A gaggle of some forty shacks and shanties squatting near the newly laid tracks, Deming had drawn toughs from every direction. "The cow-boys, or roughs and thieves, are so numerous," wrote newspaperman C.M. Chase, who visited Deming that fall, "that no man ventures any distance from the village without his Winchester rifle, ready to repeat 12 or 16 times without reloading. With this element constantly on the watch for plunder, a man's life goes for naught."

Troubleshooter Tucker was sent to Deming. He wasted no time in letting

the troublemakers know that the law had come to the railroad town. "He was certainly the right man," said a visitor to Deming, "for if he wanted to arrest a desperado he was sure to either arrest or kill him." Tucker strode the streets with a double-barreled shotgun under his arm and, according to one report, "in three days after his arrival he had killed three men and wounded two others." Within twenty days he had arrested and jailed thirteen members of the "cowboy gang."

One of those Tucker killed was Jack Bond, a rustler from the San Simon Valley of Arizona. A few weeks before, Bond and another outlaw named Len Peterson had enlisted in the Ranger company of Captain George W. Baylor stationed in nearby El Paso County. Their purpose had been to act as spies for a rustler gang operating in the brush country near El Paso and to keep the gang informed of the Rangers' movements. When Baylor learned of the true character of Bond and Peterson, he dismissed them both. They went to El Paso, stole a pair of Mayor Joseph McGoffin's handsome carriage horses, and fled to New Mexico.

Joined by a pal in Deming, they tanked up in a saloon and set out to hurrah the town. Whooping drunkenly and firing their six-shooters, they rode their horses through the office of the railroad hotel and into the dining room, scattering a large crowd of men and women recently arrived on the train. As they emerged from the building, Bond dismounted, "threw his Winchester rifle across the saddle and leveled it at the office. Just at this juncture . . . Deputy Sheriff Tucker, of Grant county, appeared upon the scene." Covering Bond with a double-barreled shotgun, Tucker ordered him to drop the rifle and throw up his hands. "The command was not heeded and without any further parleying, the officer fired, landing nine buckshot in Bond's body." The outlaw "instantly fell to the ground a corpse. The other two, seeing the fate of their comrade in crime, sought safety in flight, followed by a shower of bullets. It is not known if either of them were injured."

C.M. Chase, who visited the town shortly after that affair, wrote that the charge from one barrel of Tucker's shotgun blew the cowboy from his horse, while the other "struck the dining-room door, and remains there as a reminder of Deming customs." The dead man was carried a short distance out of town and buried without ceremony. "He is indebted to Deputy Sheriff Tucker for his change of abode," said Chase, "and ten other roughs are similarly indebted to that officer, who is still in the harness, and promises to rid the locality of the hateful element before long."

Chase lamented the fact that men like Dan Tucker were in short supply. "What is needed in southern New Mexico is one or two such officers in every village, and traveling on every train. The great trouble is that too many officers are, for consideration or otherwise, in collusion with the roughs, and are conspicuously absent in the gambling hells and dance houses about the time the shooting begins."

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A report drifted back to Silver City that Tucker had been downed in one of his gunplays. "There was a rumor on the streets yesterday that Deputy Sheriff Tucker has been shot and killed at Deming, but we were unable to have it confirmed," said the *New Southwest*, a Silver City paper, in late October. But the rumor was untrue. Tucker was still patrolling the streets of Deming with his shotgun, and within four months he would inform Sheriff Whitehill that Deming had been tamed. "Deputy Sheriff Tucker is in town and reports everything quiet in Deming," announced the *New Southwest* on February 25, 1882.

THE WORD soon spread all along the border that Dan Tucker had put the clamps on Deming. Lawbreakers and fugitives gave the town a wide berth. According to one historian, Wyatt Earp, Doc Holliday, and their coterie of gunslingers, in eastward flight from Arizona murder warrants in the aftermath of the Cochise County war, went out of their way to dodge Dan Tucker's Deming, although its location on the railroad afforded the quickest departure from the region. The Earp party went to Silver City, instead, arriving on April 8, 1882. There they sold their jaded horses and continued by stage to Fort Cummings and Rincon, where they caught the train north to Colorado.

With Deming tamed, Dan Tucker augmented his income as deputy sheriff by riding shotgun on the Silver City to Deming stagecoach run. Recalled James H. Cook, who came to southwestern New Mexico that year as manager of the WS Ranch near Alma, "The WS Ranch was at that time some distance from the railroad, Deming being the nearest railway point. A stage ran to Silver City each day, drawn by six horses. At the time of which I write, one of the Wells, Fargo & Company's most noted shotgun messengers, Dan Tucker, helped guard the passengers and treasure carried by the stages. Tucker had some thrilling experiences with stage robbers in the Southwest. He had the reputation of being one of the bravest of the many gun-fighters of the southwest borderlands. Guarding treasure entrusted to the care of Wells, Fargo & Company was a pretty hazardous occupation in that bandit-infested country at that time."

Later in 1882, Tucker was involved in the most controversial incident of his colorful career, a shooting that would involve no fewer than five Grant County peace officers or former officers. On Friday, August 25, 1882, James D. Burns, a Grant County deputy sheriff stationed at the mining town of Paschal, was gunned down and instantly killed in Silver City's Centennial saloon. Charged with the killing were City Marshal Glaudius W. Moore, Deputy Sheriff William J. McClellan, and Deputy Sheriff Dan Tucker.

Burns had come into Silver City from Paschal on Thursday and set out on a drinking binge that was still going strong on Friday evening. On Thursday afternoon in front of the Walcott & Mills saloon he had "made some show of his revolver," which attracted the attention of another deputy sheriff named Cornelius A. Mahoney. When Mahoney requested him to take off his weapon, Burns refused, saying he was an officer and authorized to carry it.

About five o'clock Friday afternoon Burns created a disturbance in Sam Eckstein's saloon, picking a quarrel with a man named Kerr and drawing his gun. Kerr, protesting that he was unarmed, backed out of the building,

Yuma Territorial Prison State Historical Park

John W. Gilmo was another of Sheriff Whitehill's gunman deputies. He later served time in the infamous Yuma penitentiary after shooting a Mexican in Arizona.

and Burns followed him to the door, six-gun in hand. By nightfall he had moved on to George H. Bell's Centennial. In front of that establishment he fired his gun, apparently just to hear the sound of it. Hitching "his revolver around in front of his belt, so that he would be able to pull it readily when he needed it," Burns entered the Centennial and went in the back gaming room presided over by house gambler Frank Thurmond.

Investigating the shot, City Marshal Moore entered the saloon and found Burns seated at Thurmond's monte table. Also engaged in the game were John W. Gilmo, whom Burns had replaced as deputy sheriff at Paschal, and Dan Tucker. When requested to step outside with the marshal, Burns replied that he would when the game was completed. Moore drew his pistol and demanded that Burns give up his weapon. "Go away. I have done nothing," Burns said.

In that tense situation John Gilmo played the peacemaker's role, at least according to his later testimony. He implored Moore not to shoot and asked him to put down his pistol. The marshal holstered his gun, but immediately Burns drew his own six-shooter and backed off, saying again, "I will not go to jail. I have done nothing."

Then Dan Tucker got into the act. From behind Burns, he drew his pistol and leveled it at the embattled deputy. With Tucker having the drop on him and Gilmo reassuring him that he would not have to go to jail as men could be found to go his bonds, Burns holstered his revolver and sat back down at the monte table.

Marshal Moore went back outside where he was joined by Deputy Sheriff McClellan. The two officers discussed the situation and then went to get an arrest warrant. Meanwhile in the Centennial, Burns began to upbraid Tucker for involving himself in the difficulty. Gilmo later claimed that he again acted as a moderator in the quarrel.

When Moore and McClellan returned, they entered by the rear door. They held revolvers in their hands, concealed under their coats. "Give up your gun. I have papers for you," McClellan told Burns.

What then transpired is confused by conflicting testimony. Early newspaper reports were that Burns drew his pistol and fired a shot, hitting no one, and that Tucker was the first to react. "The shot had hardly left [Burns'] pistol before Tucker returned the fire, hitting Burns in the left ribs just below the heart. The percussion [sic] from these two shots, fired almost simultaneously, extinguished all the lamps. McClellan then fired one shot and Moore four shots in rapid succession at Burns, every shot taking effect. The death of Burns must have been almost instantaneous."

A Justice of the Peace Rilea held a coroner's inquest in Silver City the next morning, and after listening to the testimony of witnesses, a "jury decided that Tucker's shot had missed Burns, and that Wm. McClellan and G.W. Moore had caused his death." At a later hearing before Judge Lucas the decision of the coroner's jury was upheld. Moore and McClellan were released to await the December session of the district court, and "as the principal accessories to the killing were dismissed, the prosecution decided not to bring any action against Tucker."

James Burns had been very popular at Paschal, and indignant miners there held a meeting on August 30. A Silver City paper said that it had learned "from the best possible authority" that the meeting was called "to make arrangements for lynching the officers implicated in the affair and would possibly have carried their design to execution had not a gentleman arrived who persuaded them to adopt a more sensible plan of subscribing money to help prosecute the men. . . ." The miners finally drew up and published a resolution condemning the "cowardly, premeditated killing." Since they felt "the murderers" were apt "to go unpunished because of

a lack of prosecution and because of the protection given them by unprincipled persons in authority," they declared their "intention to assist in prosecuting said murderers with all our ability and means."

On September 3, a Deputy Sheriff Richardson attempted an arrest of Moore and McClellan in Silver City on a warrant issued by a Judge Nickerson of Paschal, but they refused to submit to arrest, fearing to be taken into that hostile camp. They went instead to Central City, where McClellan had been stationed and Burns was unknown, and allowed themselves to be "put under the charge of Deputy Sheriff Baldonado, who summoned a large posse of Mexicans to defend the prisoners in case of any danger."

Although earlier indications were that no charges would be brought against Dan Tucker, he was also arrested and jailed with Moore and McClellan at Central City. On September 9 the three were brought back to Silver City. "No little excitement was caused in town last Saturday night by the arrival of Tucker, Moore and McClellan from Central City, heavily chained and under a strong guard," reported a Silver City paper, adding that the three were committed to jail without bond to await grand jury action. Tucker was later released on $2,000 bond, and eventually all charges were dropped in his case. By early October he had resumed his post as shotgun messenger on the Silver City to Deming stagecoach run.

Lawyers for Moore and McClellan secured a change of venue, and they were brought to trial in Las Cruces on March 26, 1883. Both were acquitted.

The killing of James Burns was viewed in Grant County as a sordid affair that showed their peace officers as less than admirable characters. Sheriff Harvey Whitehill's popularity suffered as a result of his deputies' involvement in the Burns affair. In the election of November 1882 he was replaced by J.B. Woods. Whitehill's deputies, including Tucker, were all discharged in favor of men chosen by Woods. Tucker continued to work as a Wells, Fargo agent on the Deming to Silver City run.

On December 14 he was almost killed in a Mexican brothel in Deming. As reported in the *Enterprise*, when Tucker entered the house "two women threw their arms around him. Thinking they were playing, Tucker struggled gently to release himself." But while he was being held, "a man jumped behind him and pulled his revolver from the scabbard on his belt. Tucker at once threw himself upon the man and a hand-to-hand conflict ensued. Tucker secured the weapon for a moment and fired it. Owing to his adversary's struggles, he missed, but slightly wounded one of the women. The other Mexicans present flung themselves upon him and the man with whom he was fighting secured the weapon and shot him in the shoulder, shattering the bone and inflicting a very painful wound. Some Americans, attracted by the noise, entered the house and prevented Tucker from being massacred." The *Enterprise* account, published a week after the occurence, said that Tucker was "out of danger although still suffering considerably from his injuries."

The *New Southwest*, published two days later, said there were "conflicting stories" about the affair and it was "difficult to gather any particulars," but evidently Tucker "fell among those unfriendly to him." The *New Southwest* said that "two shots were fired at Tucker, one striking him in the arm, the other, somewhere about the face, inflicting painful but not serious injuries."

DAN ROSE recalled that Tucker took a layoff from his messenger job and went to Silver City, still suffering from a wound that was slow to heal. A bullet, Rose said, had broken a rib under Tucker's right arm and lodged under the skin of his back. Tucker had planned to "go east to have it attended to and to see his mother.... but a new doctor came to town, cured him of his wound, and so he stayed on."

After receiving that wound, Tucker could no longer bear the daily jouncing journey on the Silver City to Deming stagecoach, and he took a job as special officer for the Southern Pacific Railroad, finding the rails a much smoother ride. He was acting in that capacity in December 1883 when he and Captain J.B. Hume of Wells, Fargo arrested York Kelly in Deming. Kelly was one of the gang who had held up the Bisbee, Arizona, merchandising and banking firm of Castaneda & Co. on December 7 and escaped after the brutal murder of three men and a woman eight months pregnant. Tucker and Hume arranged for the return of Kelly to Cochise County, where he and four confederates were tried, convicted, and hanged the following March.

By 1884 Tucker had gone into the saloon business. "Old Dan Tucker has christened his new saloon at Deming 'The Eclipse,'" reported the *Southwest Sentinel* of May 31. "[He] has opened the corner saloon fronting the depot .... Tuck has many friends, and is certain to do a good business. Visitors from Silver City may be relied to drop in on him." Later that year he was a member of the Deming delegation to the Grant County Democratic convention.

In September 1885 Tucker was appointed deputy U.S. marshal for Grant County. Two months later, during the Geromino breakout of 1885, he and a companion named William Graham had a narrow escape in a brush with a war party. The two had been prospecting near Zuni Siding when they encountered six or seven Apaches. They made a run for the railroad siding in their buckboard, with the Indians in pursuit. Armed only with six-shooters, Tucker and Graham took cover in a boxcar, which the Indians circled for some time, staying just out of pistol range, before riding off.

In October 1887 Tucker made an unusual arrest, nabbing a wanted fugitive walking beside the track while he himself was aboard a moving train. As explained in the Deming *Headlight*, Tucker had been asked to apprehend one Dave Thurman, under bond for horse stealing in Sierra County, who had skipped out. "The officer expected to overtake the flyer between here and El Paso, but missed him. Returning homeward Sunday, Dan, from the engine cab, espied his man plodding alongside the track." Tucker had the engineer slow down the train, "and before Mr. Thurman realized the situation, he had to make a choice between a bullet and surrender. He chose the latter, and is now safe in the Hillsboro jail."

Soon after that Dan Tucker left Grant County, moving west to California. He was reported to be a resident of Los Angeles when he revisited his old New Mexico haunts in May of 1892. "Dan Tucker, one of the best peace officers Grant County ever had, returned recently from California, and has been in Silver City during the present week, renewing acquaintances with old friends," announced the *Enterprise*. "He has grown so fleshy that his friends hardly knew him."

When Harvey Whitehill died at Deming September 8, 1906, he was honored and extolled for his service as sheriff of Grant County during those early, turbulent days. None of the accounts mentioned Whitehill's deadly deputy and troubleshooter, Dan Tucker, the man who had meant so much to Whitehill's success, and who later died, his contributions forgotten, in a county hospital in San Bernardino.

"They Built the Great Wall of China, Didn't They?"

By DAN A. D'AMELIO

The Central Pacific Railroad had, by early 1865, been incorporated four years, but had laid only thirty miles of track in its quest to build the western leg of a transcontinental railroad. The railroad had ample financial backing, and the coming end of the Civil War was making railroad materials easier to obtain, but construction chief Charles Crocker and his chief of staff, James Strobridge, still had a problem—manpower. Strobridge needed 5,000 men, but the lure of gold in California and silver in Nevada syphoned off potential laborers; he rarely had a work force of more than 800. Finally Crocker had a suggestion: why not hire Chinese laborers? Strobridge, who shared a

California State Railroad Museum

Central Pacific Chinese work gang curving rail in Nevada's Ten-mile Canyon, 1868.

general prejudice against Chinese, scoffed, "I will not boss Chinese." Crocker pointed out that they would work for lower wages, and when Strobridge countered that they would be too frail for the work, Crocker replied, "They built the Great Wall of China, didn't they?"

In time, because he was still unable to get anywhere near the number of men he needed, Strobridge reluctantly agreed to take on fifty Chinese workers, but only as an experiment. Crocker headed to Sacramento, hired fifty Chinese, jammed them into flatcars, and took them to the railhead. Some of them had been miners, lured to California by the same dream of gold as white men. Now they all were eking out a living as cooks, waiters, houseboys, laundrymen, and vegetable peddlers. None of them, of course, had any experience in railroad construction. Shown how to fill horse-drawn dump carts, they quietly and diligently set to work while Strobridge stood by impassively waiting for them to collapse. Ten hours later, they were still going at a good clip. Strobridge was impressed.

Within a few days, a hundred more Chinese were hired. At first, Strobridge restricted them to the simplest work, but he soon had them driving the carts as well as loading them. Then, still doubtful that they were up to it physically, he handed them picks and tried them out on the softer excavations. Again, Strobridge was impressed. Before long, he had them pounding rock drills with sledgehammers.

Strobridge asked Crocker for more Chinese workers. Within a few weeks, Crocker had agents in all the California towns, signing up every Chinese male they could find. By that summer two thousand of them were on the payroll, and Crocker was arranging for more to be brought from China. At first, the Chinese were paid twenty-six dollars a month. Later their pay was upped to thirty dollars, then to thirty-five dollars a month—the same pay as the white workers. But the Chinese, who lived on a different diet, had to pay for their own food, while the whites got their meals free.

Of these short, slender men who wore large straw hats, pigtails, and floppy blue pajamas, Crocker said, "Wherever we put them, we found them good, and they worked themselves into our favor to such an extent that if we found we were in a hurry for a job of work, it was better to put Chinese on at once." And Strobridge—the man who had vowed he would not boss Chinese—said, "They learn quickly, do not fight, have no strikes that amount to anything, and are very cleanly in their habits."

California State Railroad Museum

Chinese laborers with dump carts on a Central Pacific siding, circa 1866.

Strobridge had put his prejudice on hold, but the white workers, most of them Irishmen, did not. By and large, they treated the Chinese like lepers. "They wouldn't work within a hundred rods of them," Crocker later said. As more Chinese were hired, the resentment of the whites grew, and many of them talked openly of getting together and driving all the Chinese off the job. They held a meeting to plan how they would do it. When Crocker got wind of the meeting, he called his own meeting and the gist of what he told them was: we have a railroad to build, and we can't get nearly enough white workers to get the job done. Then he gave them an ultimatum: either you get along with the Chinese or we'll let you go and hire nobody but them.

The white laborers caused no more trouble, but in their contained resentment they took to referring to the growing number of Chinese workers as "Crocker's Pets."

By the spring of 1866, the blue-clad army of Chinese, numbering seven thousand, had amply demonstrated their diligence, endurance, and reliability. Now, at a place white workers called Cape Horn, at the beginning of the Sierra Range, the Chinese would show another of their qualities—courage.

Cape Horn was the first major obstacle encountered by the Central Pacific—a massive granite cliff jutting from a Sierra mountainside. The cliff fell almost vertically several thousand feet to the green water of the American River. Surveyors had decided the railroad should go along a ledge of that cliff, 1,400 feet above the river. Just how the ledge was to be carved out of the rock was a problem the surveyors left the construction crews to solve.

Strobridge decided the only way to tackle the job was to lower workers down the side of the cliff and have them chip out a ledge with hammer and chisel. Of course, it would be dangerous and some would lose their lives. But, Strobridge knew, they would not be the only ones to die before the railroad was completed.

Strobridge gave the task of grading Cape Horn to the Chinese, and they set about doing it with their usual willingness. They were lowered down the side of the massive cliff in wicker baskets. Swaying and brushing against the mountain, as their companions stared down at them from the top of the cliff and the river curved through the gorge far below, they began chipping out a ledge.

Day after day, their hammers rang against the chisels until they had carved out a perch wide enough to stand on and work. Then, with sledgehammers and

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Early in 1867, Strobridge decided to use nitroglycerin, a new and relatively inexpensive explosive developed in Europe. Its use was generally unknown in the United States. Nitroglycerin speeded progress on the tunnel, but its greater explosive power and unpredictability made it considerably more dangerous than black powder.

California State Railroad Museum

Chinese laborers working on the Central Pacific near the entrance to Summit Tunnel in California, 1867.

iron hand-drills, they pounded two-and-a-half-inch-wide holes into the rock, filled the holes with black powder, set the fuses, and lit them. Quickly getting into the baskets, they signalled the men above, who pulled them up. The charges exploded, spewing rocks far into the air, and echoing over the gorge.

For weeks, during that spring of '66, explosions chewed into the narrow ledge until it was finally deepened to a shelf wide enough to lay tracks.

Two years earlier, the Central Pacific had started regular passenger service to Roseville, about twenty miles from Sacramento, and its service had been extended as tracks continued northeastward toward the Sierras. Soon after the line around Cape Horn was completed, excursion trains began making the run to the Horn. For the passengers, the trip must have been unforgettable—on one side a wall of rock, on the other, a dizzying drop to the river 1,400 feet below. One wonders if the passengers riding on that precarious ledge knew that it had been carved and blasted by Chinese laborers and that, almost miraculously, it had been completed without the loss of a single life.

While the Union Pacific was laying tracks a mile a day across the Great Plains, the Central Pacific continued struggling up the west slope of the Sierra Nevada. To penetrate the Sierra, the Central Pacific planned to dig twelve tunnels. The biggest would be the Summit Tunnel near the crest of the range, 7,000 feet above sea level; it would extend nearly the length of five football fields, including end zones, 1,600 feet. Dug out of the hardest stone, granite, it was expected to take more than a year to complete.

In midsummer of 1866, eight thousand Chinese, working in around-the-clock shifts under white foremen, began laboring at each end of the tunnel. The granite defied them from the start. Their picks and chisels blunted and broke against the hard surface. The drill holes for the powder charges had to be wide and deep. If not—because the rock was so hard—the powder charges blew out of the holes as though from the mouth of a cannon.

To speed progress on the tunnel, a shaft was sunk from the summit halfway between the ends of the tunnel, and work gangs were lowered to start burrowing east and west from the center chamber. Workers now were digging from four sides simultaneously.

To further hasten progress, Crocker had Cornish miners brought in from Virginia City, Nevada. They were professional miners, reputed to be among the world's best. At the site, the Cornish miners were led down the center shaft and told to labor in one direction, while a gang of Chinese were started in the other direction. By the light of oil lanterns and candles, both sides hacked at the rock. Crocker later wrote, "The Chinese, without fail, always outmeasured the Cornish miners. That is to say, they could cut more rock in a week than the Cornish miners did." The Cornishmen finally quit in disgust.

Even with men burrowing from four sides, progress remained slow and costly, despite the use of 140 kegs of powder daily, at a cost of $4.00 a keg. Early in 1867, Strobridge decided to use nitroglycerin, a new and relatively inexpensive explosive developed in Europe. Its use was generally unknown in the United States. Nitroglycerin speeded progress on the tunnel, but its greater explosive power, along with its unpredictability, made it considerably more dangerous than black powder. Sometimes the slightest movement could set it off. There were accidents and many Chinese were killed.

By August 1867, a year after the digging began, workers at the ends of the Summit Tunnel met, and a few months later, the last rail was spiked down in the tunnel. Crocker should have been jubilant, but he was not; the number of casualties the new explosive had inflicted weighed on his mind. One day, he eyed the remaining stock of the explosive, then turned away. "Get rid of it," he said. Nitroglycerine was never used again by the Central Pacific.

Of the twelve tunnels dug through the Sierra, the Summit tunnel was the longest, and for this most difficult task,

California State Railroad Museum

A Chinese camp beside a Central Pacific construction train in Nevada, 1868.

Crocker had relied almost exclusively on his "pets." The entire labor force had consisted of 10,000 men—about 700 whites, most of them foremen, and more than 9,000 Chinese.

Digging tunnels through the granite of the Sierra had been a formidable task, but the range's greatest obstacle proved to be not granite but snow. When the early Spaniards had encountered the jagged rock wall that extends 400 miles through California, they named it *Sierra Nevada*, "Range of Snow." But that name does not even hint at the fierceness of its winters.

Winds scream through the range at up to 120 miles an hour, whipping snow into nightmarish ferocity. During a recent Sierra storm, men awoke in their cabin to find it one quarter filled with snow. Overnight, the demonic wind had forced snow through the only opening in the cabin—a keyhole. In the winter of 1866–67, snowstorms repeatedly struck the Sierra, and one storm which lasted thirteen days dumped ten feet of snow on the work camps.

The storms spawned silent, rapid killer-slides. Twenty Chinese were killed by a snowslide that uprooted their barracks and carried it down the mountain. Many individual Chinese were caught in smaller slides and vanished until the spring when their bodies were found, some of them upright in the melting snow, a shovel or pick still gripped in their hands.

Although work continued on the twelve tunnels during the winter of 1866–67, the storms raised huge drifts at the approaches to the tunnels, and the work camps were almost buried in snow. Getting to and from the tunnels was a daily problem, but it was worked out in a simple, yet effective way. Tunnels were dug through the snow.

The snow tunnels were up to 200 feet long, and some were wide enough for two-horse sleds to move through them. The sleds hauled away rubble left by the explosives set off inside the mountain. In some of the tunnels, openings ("windows") were cut to allow light in, and in one tunnel, a room off the main passage was dug out and used as a blacksmith shop.

In time, as more snow fell, the roofs of the tunnels began to sag and they had to be scooped out for additional headroom. Otherwise, reported an engineer for the Central Pacific, the snow tunnels were "perfectly satisfactory."

They were so satisfactory that engineers found another use for them. A ravine ran between two of the mountain tunnels, and engineers planned to fill the ravine with earth. The previous fall, work had begun on the foundation of a huge retaining wall that would support the earth fill, but construction on the foundation halted when winter struck. Now, at the approach of spring, the unfinished foundation lay under snowdrifts fifty feet deep. Work could no longer be delayed. Strobridge had gangs of Chinese dig several snow tunnels toward the uncompleted foundation. At the end of the main tunnel, they hollowed out a high, wide cave, and there, under some forty feet of snow, stone masons continued work on the foundation.

Before the start of its first winter in the Sierras, the Central Pacific had prepared for snow by building a huge plow which would be pushed by locomotives. The plow was thirty feet long, ten feet wide, and eleven feet high. It certainly looked big enough to do the job; however, the Sierra snowdrifts proved too formidable for the plow.

In a typical instance, it took the snow plow, driven by seven locomotives, two and a half days to clear fourteen miles of track. As many as twelve locomotives were used to push the plow through the

California State Railroad Museum

A Chinese tea carrier on the Central Pacific.

huge drifts of the Sierras. Often, when hitting these drifts, the lead engine would come to a shuddering, bone-jolting halt, buried in snow to the top of its stack.

Before the end of that first winter in the Sierras, Central Pacific managers came to a tough decision. Snow sheds had to be built over the tracks. It would be costly, they knew, but it was imperative for the tracks to be clear of snow so the supply trains could get to the work camps.

In the summer of 1867, work was started on the sheds. The first ones were built over parts of the track where snow drifted the highest. The following summer, work on the sheds continued, and several thousand carpenters and laborers were put on the job, along with six trains to bring them timber, spikes, and bolts. Some of the Chinese under Strobridge's command were sent to help with the construction.

Every sawmill within the area was cutting timber into beams, but the mills couldn't keep up with the demand. To fill out the inadequate supply of lumber, men were sent into the woods to cut down trees. These were stripped of bark, hauled to the tracks, and used to help support the shed roofs. The completed sheds were about twelve feet wide and stood twenty feet high, with a pitched roof.

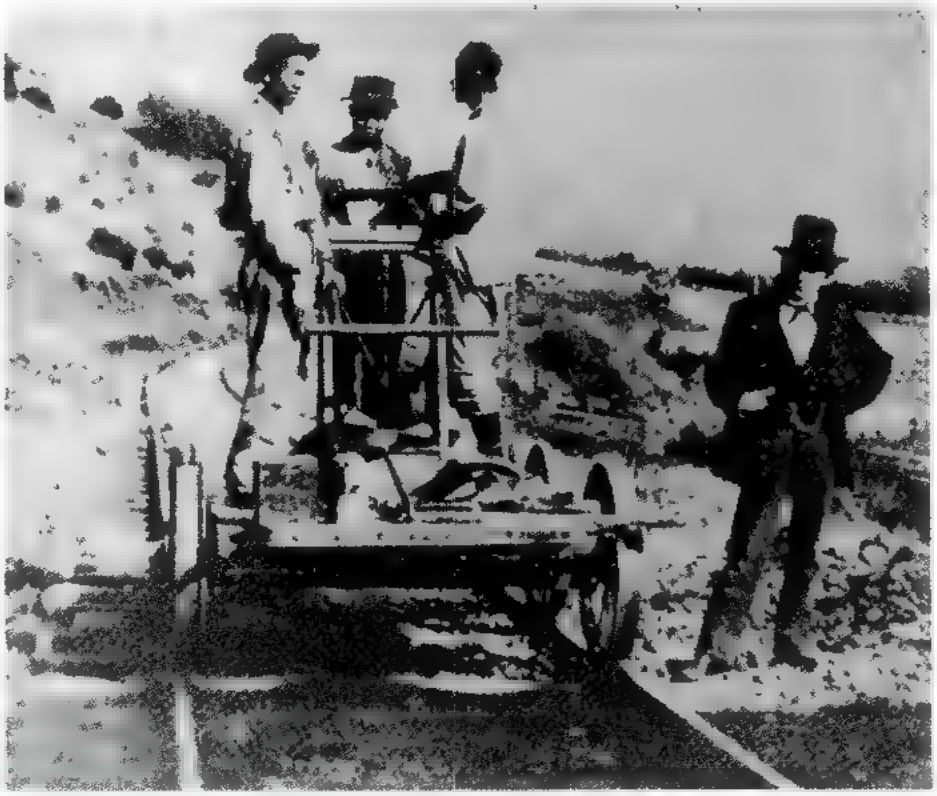
The first heavy snows came early that fall of '68, and by the time the storms overwhelmed the workers, eighteen miles of tracks were covered with sheds.

Work on the sheds was resumed and completed the following year. In total, more than 50 million board feet of timber and almost 1,000 tons of bolts and spikes were used to construct the thirty-seven miles of sheds. The men who operated the trains said it was like "railroading in a barn."

In June 1868, five and a half years after it was started, the California section of the transcontinental railroad was completed. Ahead of the Central Pacific workers, which now included more than twelve thousand Chinese, were the Nevada and Utah deserts, but the most difficult part of their work was behind them.

On May 10, 1869, the Central Pacific and the Union Pacific were joined at Promontory, Utah. A crew of Chinese brought forward the last ties, spikes, and rails, and the spikes were driven in.

Slowly, the Central Pacific locomotive and the Union Pacific locomotive moved up until their cowcatchers touched. As people cheered, the engineers of each locomotive stepped forward and poured a bottle of champagne over the other's locomotive. And a photographer shouted for everyone to freeze. In that famous picture, you can see railroad officials and workmen—all of them white—but not a single Chinese laborer is shown.



California State Railroad Museum

The Central Pacific was still using Chinese laborers in the construction of its line from Los Angeles to Bakersfield in 1876.

One Killing Too Many

By MICHAEL CHEGWYN

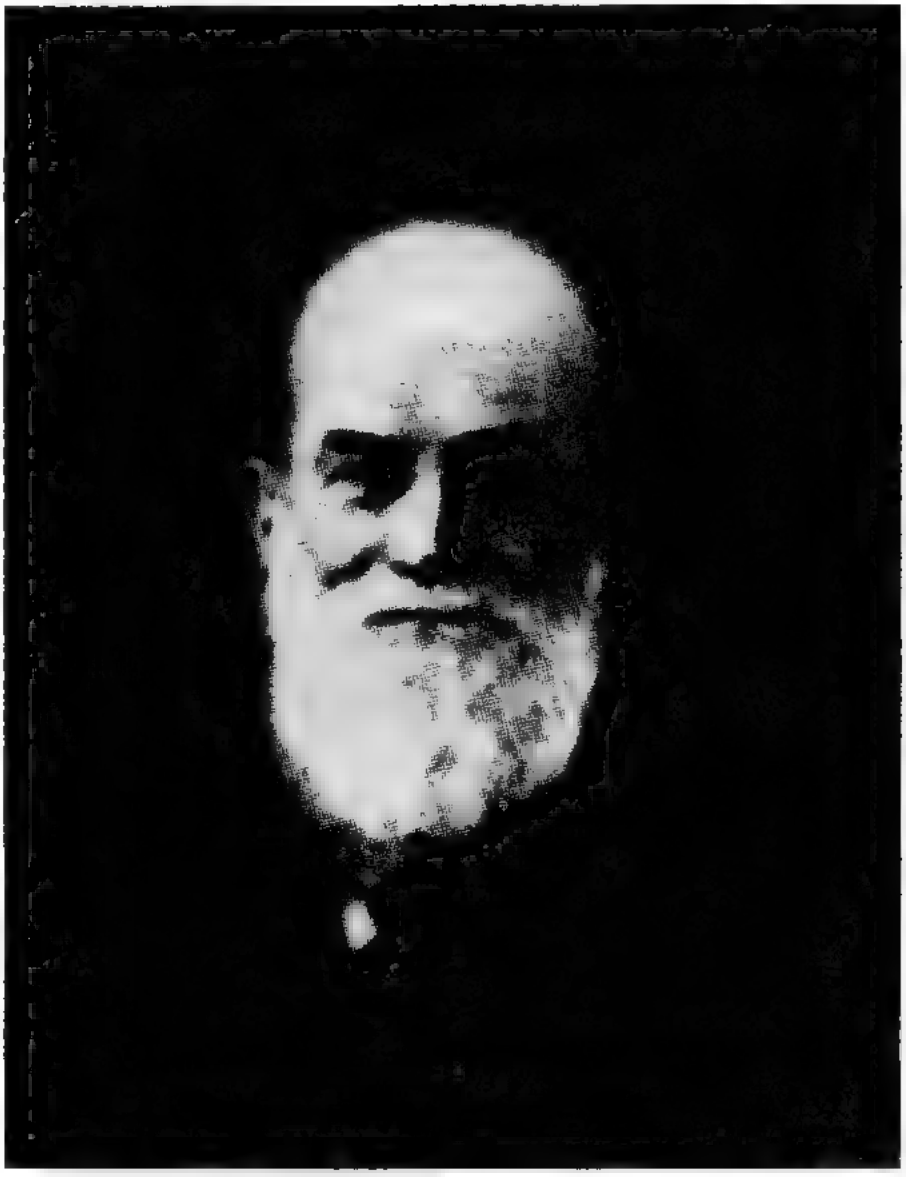
Sitting in his Napa, California, jail cell, convicted murderer Billy Roe could hear the ominous sound of the gallows' trapdoor as men tested it with sand bags. In a few hours he was scheduled to stand upon that platform and pay with his life for his crimes. Turning to his companion, Rod McKenzie, stepbrother of the county sheriff who was spending part of a death watch with the condemned man that morning of January 15, 1897, Roe quipped, "If they don't stop working that thing they'll have it all worn out before I get there." McKenzie later summed up Roe's character in five words: "He was a bad hombre."

William M. Roe—who had at least half a dozen aliases—was a self-confessed killer who committed just about every common crime imaginable, from petty theft to multiple homicide. His outlaw career began when he was eighteen years old and ended twenty-seven years later when he became the last person legally and publicly executed in California.

Roe claimed that he personally killed seven men and one woman, assisted in the killing of fifteen other people, was himself twice wounded in gunfights, and committed ten armed robberies from the early 1870s to the early 1890s. His further assertion that he carried on affairs with sixteen women played no small part in the rationale he often gave for his mayhem.

Roe was known to have killed one white woman during his murderous career; it was upon conviction for her murder that he was hanged. The death of socially prominent Lucina Greenwood and the wounding of her husband, retired sea captain John Quincy Greenwood, during a robbery at their home south of Napa was the most sensational news of the time. Extensive press coverage of the incident ensured that Roe would have a large audience when he plunged through the trapdoor.

When the crime occurred, John Greenwood was a prosperous gentleman farmer. Born of a Maine seafaring family in 1830, he went to California in 1849, built a schooner, and started a career in coastal trade. Eventually he purchased 640 acres of land between the towns of Napa and Vallejo. About 1881, Greenwood began constructing his house, a handsome two-story Victorian. Upon the captain's retirement, he and his wife, Missouri native Lucina Larrabee, moved into the as-yet-unfinished dwelling. For many years thereafter, the tall, spare, white-bearded former mariner liked nothing better than to while away the hours sitting on the long side porch of his residence, gazing out across his grassy domain.



Author's Photo

Captain John Q. Greenwood.

The old salt's tranquility was shattered on February 9, 1891. About dusk that day, he later told authorities, he was walking between the house and barn when two men confronted him. He greeted them amicably, but they drew revolvers and demanded his money. When he replied that he had only two dollars on him they led him at gunpoint to the house, trussed him hand and foot with baling twine, and forced him to take several swallows from a small bottle of chloroform, which caused Greenwood to lapse into unconsciousness.

About 6:00 p.m. Lucina Greenwood arrived home in her buggy from visiting a neighbor. Unaware of what had taken place, she started to enter the house by the side porch leading to the kitchen. As one of the assailants tried to grab her, she stepped back off the porch and fell to the ground four feet below. After a terrific struggle, the man finally overwhelmed her, carried her into the kitchen, trussed her up, and forced her to drink from the chloroform bottle. Then the intruders began looting the house.

In a few minutes, Captain Greenwood recovered sufficiently from the drug to call out to his wife; she answered him, saying that she was hurt. The thieves heard Lucina, came back, and forced more of the drug down her throat. Then they dragged her up the hallway to the master bedroom on the south front side of the house. Quite a while later, Captain Greenwood managed to wriggle out of his bonds. Crawling to the bedroom, he discovered his wife's fully clothed body lying on the bed. Lucina had a single gunshot wound in the side of her head, slightly above the tip of the right ear.

Greenwood made his way down the hall and found the two men ransacking the house. One of them spotted Greenwood and shot him twice in the head. The wounds, however, were superficial and the ex-sea captain wisely feigned unconsciousness. The pair then rebound Greenwood and stuffed a gag into his mouth. They soon fled the property in Lucina's buggy which, surprisingly, they returned to the Greenwood barn later that night.

Early the following day, Captain Greenwood managed to crawl about a hundred yards down the lane to his front gate, where his neighbor, rancher Hugh Kelly, found him. Kelly hurried to report the crime to Napa County Sheriff George S. McKenzie. McKenzie rode to the Greenwood home with a retinue of officials, examined Lucina's corpse, and got a good description of her killers from the dead woman's bloodied but unbowed spouse.

A county coroner's autopsy showed that Lucina had a bullet in her head and that her stomach contained both chloroform and arsenic. But the coroner concluded that she had died neither from the gunshot wound nor the toxic agent. The lack of hemorrhage around the woman's head wound, in fact, indicated that she was already dead when her murderers shot her. Bruises on both sides of her throat evinced that she actually had died of strangulation.

The sheriff's office fruitlessly pursued the case for almost a year. Then, on January 31, 1892, Carl Schmidt, a thirty-eight-year-old German immigrant, turned himself in to the Denver police, admitting that he had participated in the crime.

A laborer who had been in the United States for three years, Schmidt claimed that he had been coerced into the robbery by a man he knew as William Moore, whom he had met in San Francisco just before the crime. Schmidt insisted Moore had killed Lucina Greenwood. Sheriff McKenzie traveled to Denver and escorted the prisoner to Napa, where his trial took place between May 17 and May 28, 1892. Since the identification of Mrs. Greenwood's killer could not be established beyond a reasonable doubt, Schmidt was found guilty solely on an armed robbery

Author's Photo

The 110-year-old Greenwood house as it appeared in 1989. Shown are the yard where Mrs. Greenwood left her buggy, the long side porch where she fought with her assailants, and to the right of the oval window, the kitchen door through which her attackers dragged her into the house.

charge and sentenced to life imprisonment.

Subsequent investigation revealed that William Moore was really William "Billy" Roe, a familiar figure to ranchers and laborers in Napa County. After his eventual capture, Roe was quoted in the Napa *Daily Journal* as saying, "I was born marked with a thirst for blood." If there is an ounce of truth in the long confession that provided the grounds for his arrest, he seems to have spent a considerable amount of time trying to slake that sanguineous craving.

Roe informs us that he was born in Noble County, Ohio, on June 12, 1852. An orphan, he was adopted by a farmer named Crum who lived near Parkersburg. Crum's first wife treated him well, he asserted. However, she died when Billy was fourteen and he incurred the antipathy of Crum's second wife, who feared the boy would inherit his adopted father's estate. Late one night in 1870 as they stood outside his bedroom door, Roe overheard his stepmother say to her own son, "Hit a sure lick!" whereupon her son stepped into Roe's darkened room with an axe in his hand. Roe jumped from the bed, firing his revolver. His stepbrother was struck twice and died. Roe was arrested, tried, and acquitted. His stepmother, he informs us, eventually went insane, dying in a Dayton asylum crying, "Hit a sure lick!"

Within eighteen months, Roe found himself in the Ohio state penitentiary, accused of killing one James Emmett, with whom he had been having some difficulty over a sale of land that Roe had inherited from his grandmother. Roe spent a year in prison before his lawyer wrung a confession from two other men that they had done the killing and had framed Roe. Roe was given a new trial and exonerated.

He tried to settle down and planned to marry but his fiancée was murdered by the mother of another young woman he had recently jilted. "After that," he declared, "I went to hell altogether." He joined a traveling circus as a horseback performer and noted, "I was one of the most reckless riders that ever went into the ring but I knew not the cause of it." His recklessness put a second notch on his gun when he killed a man named Snyder near Marietta, Ohio, in a dispute over the victim's wife.

Roe lit out west and over the next fifteen years made a ragged circuit of the Great Basin, the Northwest, California, and the South Pacific. He claims he killed three men in gunfights (a saloon keeper in Jackrabbit, Utah, and two Australian mining men at Salmon Meadows, Idaho) and had altercations punctuated by flying lead with Johnny Glasscock's horse thief gang in Idaho's Boise Basin as well as with "Cariboo Joe's" gang in British Columbia.

Author's Photo

A San Francisco newspaper illustration of Lucina Greenwood and the Greenwood home.

Tying in with the well-known Northwest gunfighter Hank Vaughan, Roe relates that he helped rob a store in Boise City, Idaho, and that he went on to help rob stagecoaches three times in one week at the Boise City bridge.

While employed as a scout for the U.S. Army and as a drover for cattleman O.P. Johnson during the Bannock Indian uprising in the summer of 1878, Roe allegedly participated in several violent encounters with the hostiles. In October of that year he also joined a punitive raid by the townspeople of Emmettville, Idaho, against the same Indians after they had surrendered. "[We] killed fourteen of them and threw them into the Payette River," he stated with expedience.

Roe moved on to Portland, Oregon, and ran a seven-up game at the Ivy Green Saloon in partnership with his old chum Hank Vaughan and Ham English, brother of California highway robbers Buck, Charley, and Eugene English. Then he drifted south to San Francisco, where he impersonated a policeman to extort bribes before shipping out for Australia with the Sells Brothers Circus. While floating back to the United States, he claims he robbed Squire's Boarding House in Honolulu. Returning to California, he took jobs working in a grist mill, bronc busting, and doing farm chores in southern Napa County from September 1889 to late January 1891.

Roe spent twelve days in San Francisco following his last lay-off, but returned to Napa County on February 9. Roe conceded that he killed Lucina Greenwood that day, though his version of the grisly incident bears no resemblance to those given by either Captain Greenwood or Carl Schmidt.

Avoiding the manhunt, Roe struck south to Bakersfield where, he said, "a stool pigeon overtook me. . . . We traveled over the desert to Barstow. On the way, I accidentally spied his handcuffs. He left his coat in camp and I went through the pockets and found my description. . . . That night we camped below Barstow on the north side of the Mojave River. . . . We went to bed and I got up in the night and killed him."

Roe dragged the corpse into the brush. Three and a half years later, human bones inside a shoe were discovered near the site where Roe indicated that he had committed his last homicide. It turned out that his victim was probably a Kern County deputy sheriff who worked off-duty as a private detective. Had he been acquitted in the Greenwood case, Kern County authorities were ready to try Roe for the deputy's murder.

By the mid-1890s Roe was lying low, working on a ranch in the San Fernando Valley. Late in the summer of 1896 he frequented a saloon in San Fernando run by W.B. Shaug, a former deputy United States marshal. Roe drank alone and grew loquacious when in his cups. One night he mentioned to Shaug that he had killed a woman named Greenwood up in Napa County. Shaug sent an inquiry to Napa Sheriff McKenzie, and in his reply McKenzie urged Shaug to keep Roe talking. Shaug did and finally persuaded him to dictate his entire life story.

Shaug gave the confession to Los

Angeles County Sheriff John Burr, and Burr took Roe into custody on September 21, 1896, during one of the latter's drinking sprees. At the time of his arrest, Roe was carrying a bottle of poison and a butcher knife ground down into the shape of a dagger. Burr poured Roe aboard a Southern Pacific passenger car and delivered him to Sheriff McKenzie in Fresno.

Throughout his trial—held between November 10 and November 24, 1896, in the Napa County Courthouse in Napa with Superior Judge E.D. Ham presiding—Roe stuck to the rendition of Lucina Greenwood's death that he had given in his confession to Shaug. He swore that while breaking horses for Peter Lynch, a neighbor of the Greenwoods, he had become acquainted with Lucina and had been to her home a number of times, though her husband disliked him. Upon returning to Napa County almost two weeks after his last job with Lynch, Roe testified, "I met a green Dutchman [Schmidt]. I knew I could use him. . . .We stopped at the Greenwood residence. Mrs. Greenwood . . . in a few minutes drove up in her buggy. I helped her out and we both went into the house. . . .[Mr.] Greenwood and I got into a fuss in the parlor. He pulled his gun and I mine. I shot him through the left cheek, knocking out a tooth. The same shot killed his wife. I then tied him up. . . and took his horse and buggy and drove to Napa to rob the Napa City bank."

The jury deliberated only ninety minutes before rejecting Roe's story; they found him guilty of murder. Four days later, Judge Ham sentenced Roe to be executed on January 15, 1897.

Sheriff McKenzie was determined that the execution should go smoothly. He was also mindful of the hanging's historic moment. In 1891, the California legislature had deemed that executions would henceforth take place in the state's prisons rather than in public in the county where the crime occurred. Napa retained jurisdiction to execute Roe because his capital offense had preceded passage of the law by only a few months. Thus, Roe's hanging would be the last public execution in California.

Plans for the execution, however, did not include allowing every sightseer to observe it. McKenzie sent out 400 black-bordered invitations to the most prominent male citizens of the county as well as to politicians and law officers throughout the state. Everyone else was barred, particularly women. To ensure that only invited guests viewed the hanging, the scaffold was enclosed by a high fence. The scaffold itself stood against the rear wall of the county jail.

In his final days, Roe put up a show of placid detachment. On the eve of his execution, he wrote his will, chatted with his guards, then went to bed and slept soundly. He arose at 7:30 a.m. and ate a hearty breakfast, saying that he had never felt better in his life.

By 8:30 a.m., a crowd had already begun to gather around the courthouse. "There were sheriffs and other grades of peace officers galore and a good sized delegation of newspapermen," the Napa *Daily Journal* commented. "The ten o'clock train brought more spectators and hundreds of people came into town in wagons. The city has not had such a lively appearance since election day."

While Undersheriff Robert Brownlee read the death warrant, Roe, the inveterate hardcase, sat outside his cell and smoked a cigar. At the conclusion he remarked, "That's all right." Roe was still puffing his cigar as guards escorted him into the clear morning light. He squinted at the sun and greeted Constable Jess Walters at the foot of the gallows with a cheery "hello." Upon reaching the platform and staring out at the upturned faces of those privileged to see him hang, Roe observed, "It's kind of a monotonous show of people."

"Any statement you wish to make?" Sheriff McKenzie asked, a little impatiently.

"Haven't much to say," Roe answered. "I only wish to give thanks for the way I've been treated; you've treated me well. I have no creed or kin or anything like that—so I think that is all I want to say."

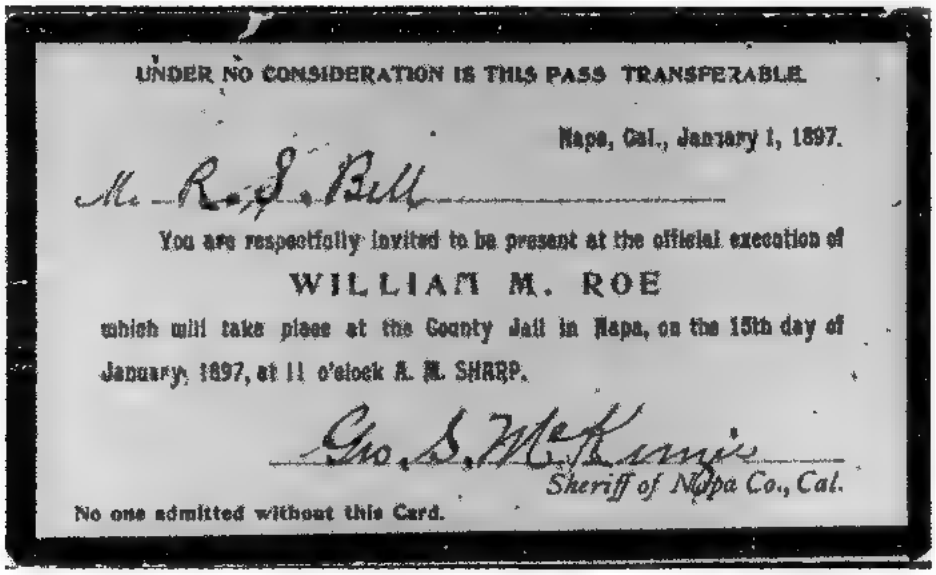
A prayer by Salvation Army Captain John Wyckes Kettle followed, lasting four times as long as Roe's terse valediction. Roe ignored the clergyman's words and only a slight trembling of his hands could be discerned as he continued to smoke his cigar. He threw the cigar away when the prayer ended and Undersheriff Brownlee placed the noose around his neck. Roe then turned to him and spoke for the last time. "I want you to be sure to draw that tight," he said.

Brownlee put the black cap over Roe's head and scarcely a second passed before McKenzie raised his arm, signaling the hangman. Using the same butcher knife that had been found on Roe at the time of his arrest, one of three deputies in the closet to the rear of the scaffold cut the rope to the trap door which fell at 11:31 a.m.

"Roe's body shot downward with lightning speed and rebounded very slightly," the Napa *Daily Journal* reported. "The body swayed gently about but there was no struggle. It was evident that the neck had been broken and that death was painless."

Using Roe's butcher knife, McKenzie cut the body down and the coroner prepared the corpse for shipment to San Francisco for dissection in accordance with Roe's wishes. In his will Roe said he desired to "aid science inasmuch as it lays within my power."

Following the ripple of excitement


UNDER NO CONSIDERATION IS THIS PASS TRANSFERABLE.

Napa, Cal., January 1, 1897.

Mr. R. S. Bell

You are respectfully invited to be present at the official execution of

WILLIAM M. ROE

which will take place at the County Jail in Napa, on the 15th day of January, 1897, at 11 o'clock A. M. SHARP.

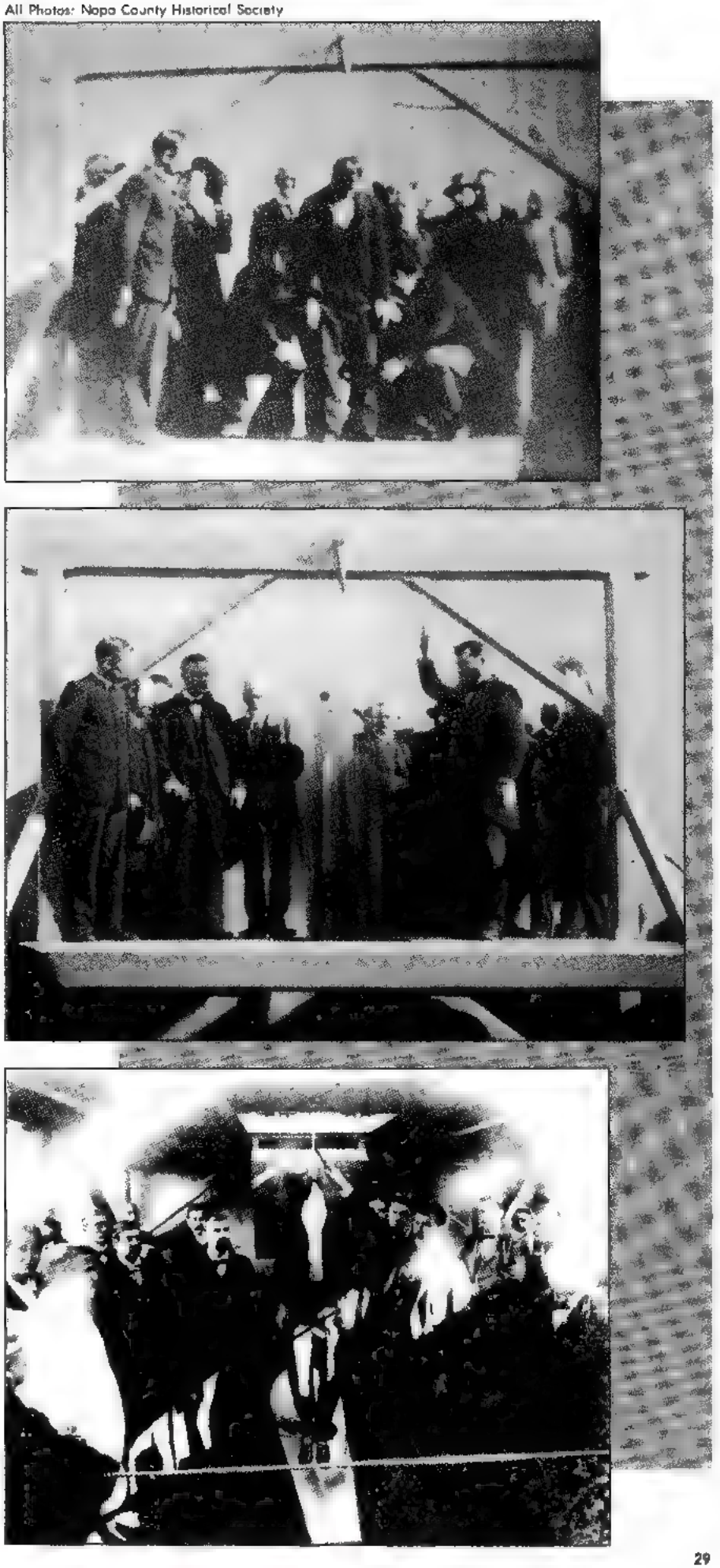
Geo. S. McKenzie
Sheriff of Napa Co., Cal.

No one admitted without this Card.

Napa County Sheriff's Archives

Napa County Sheriff George McKenzie sent four hundred of these black-bordered invitations to prominent men in the days just prior to Billy Roe's execution.

All Photos: Napa County Historical Society



Top: Billy Roe looks down as Napa County Sheriff George McKenzie and Undersheriff Robert Brownlee attach leather shackles to his legs. Center: Leaving a ghostly streak on the photographic plate, Roe plunges to his death in this picture taken the instant the trapdoor is sprung. The black spot at center is one of the peek holes in the closet where the hangman waited to spring the gallows trapdoor. Bottom: The end of a desperado.

over the Greenwood murder and Roe's long deferred punishment, the sinister desperado with a fancy for guns, women, gaudy jewelry, and poison gradually slipped into oblivion. But not quite. As the adage goes, the evil men do lives after them.

John Greenwood never completely recovered from his harrowing ordeal at the hands of his wife's killer. He lived two more decades and never again slept in the bedroom where Lucina Greenwood died. He took apart the buggy that she had been driving just prior to her death and had it reassembled in a bare, unfinished room on the second floor of his house.

"He slept with it the rest of his life," his grandniece, Jane Greenwood Gunn, once recalled. "It must have been an eerie sight."

The well-preserved Greenwood house —now situated a mile west across Highway 29 to make way, rather ironically, for construction of an insurance company headquarters—has a reputation for being haunted. Its ghostly inhabitants are presumably the restless spirits of John and Lucina Greenwood.

But Billy Roe's spirit, so to speak, truly does linger around Napa County. He left quite a few souvenirs behind. The entire gallows (one of only two originals remaining in California), the noose, black hood, brown leather shackles, and a series of riveting photographs of Roe's hanging still exist in county or private archives. Even Roe himself—in a loose manner of speaking—returned for a long-standing personal appearance in the place where he was hanged. Following whatever "aid" his body could render to science, Roe's bones were wired together and sent back to Napa, where the skeleton of the gun-slinging woman-slayer served for many years as a teaching aid in county schools.

Rocky Mountain Riders
Wyoming's Volunteer Cavalry

By JEAN A. MATHISEN

Colonel Jay L. Torrey's Second United States Volunteer Cavalry was born of the patriotic fervor that swept the United States at the outbreak of the Spanish-American War in April 1898. Torrey's was one of three cavalry regiments that Secretary of War Russell Alger authorized to be raised in the American West. Like the other two, it was composed largely of experienced cowboys. But unlike the First U.S. Volunteer Cavalry—the Rough Riders—which rode to fame under Theodore Roosevelt, "Torrey's Rocky Mountain Riders" faced many hardships, but never fought in battle.

Torrey was an Illinois native, an 1876 graduate of a St. Louis law school, a successful civil lawyer, and an adjutant general in the National Guard. He went west in the late 1880s to help his brother manage the huge Embar Ranch that spread over much of the Big Horn Basin in northern Wyoming. Torrey bought out his brother about 1889 and ran the ranch until he resigned in 1897.

As early as March 8, 1898, with war fever spreading, Torrey had suggested organizing a cavalry regiment of Wyoming cowboys. There is some controversy as to whether Torrey or Melvin Grigsby (who commanded the Third U.S. Volunteer Cavalry) originated the idea, but Senator Francis E. Warren of Wyoming introduced at Torrey's behest a bill to raise such a regiment. When fellow Wyomingites heard that Torrey would indeed command a cavalry unit, they hailed him as an excellent leader. The Cheyenne, Wyoming, *Sun-Leader* commented that, "Those who ride with him will have a chance to make the earth tremble and win glory in some of the greatest cavalry charges of modern times."

The War Department allocated Torrey almost $250,000 for organizational expenses—$197,000 for transportation

Wyoming State Museum

The last parade of the Second United States Volunteer Cavalry in Cheyenne, 1898.

and horses, $31,392 for equipment, and $15,000 for subsistence—and Torrey set about raising his allotted eight to twelve troops. Torrey said requirements for the regiment were to be "strict in the extreme." He wanted uniformity: a recruit was not to weigh over 165 pounds, he was to be between five feet four inches and five feet ten inches tall, and he was to be able to speak, read, and write English. (Torrey himself was the only exception; when he was accepted for service he weighed 235 pounds.) Torrey designated Cheyenne as their rendezvous point. There the troops would camp at Fort D.A. Russell.

Major Percy S. Hoyt of the Quartermaster's Department, Captain Charles A. Varnum of the Seventh Cavalry, and another cavalry officer made up a board to purchase 1,100 horses at about $110 per head. Restrictions on the horses were just as tough as those on the men. The horses were to be about fifteen hands high, weigh about 1,000 pounds, and be black, brown, bay, chestnut, or roan. Torrey intended to designate each troop by horse color, much as Lieutenant Colonel George A. Custer had done with his Seventh Cavalry.

During May confusion reigned in Cheyenne. Torrey's strict criteria hindered the purchase of horses. By the third week of May, the purchasing board had found only 175 qualified horses. By June 2, 400 horses were at the fort. Finally, the board located 228 horses near Sheridan, Wyoming, and secured them for $18,590. The regiment also was to have three pack trains with fifty mules each and thirty-nine skilled packers. The packers went to St. Louis to get their mules and equipment.

Torrey's hunt for troopers went somewhat better. By noon on May 21, 691 men had passed their medical examinations. However, the free-ranging cowboys that Torrey recruited had difficulty adapting to the regimen of army life. One officer drilling his men gave a command they did not agree with. "That's not right," came a complaint from the ranks. "It is," replied the officer. "You're a ——— liar, it should be fours right," the trooper corrected. So admonished, the officer replied, "That's so, excuse me," and the drill proceeded as usual.

During this time Colonel Torrey made every effort to get good publicity for his regiment. He went so far as to supply newspapermen with an elegant, two-seated rig for travel to the fort, and even provided them with a fine lunch when they arrived.

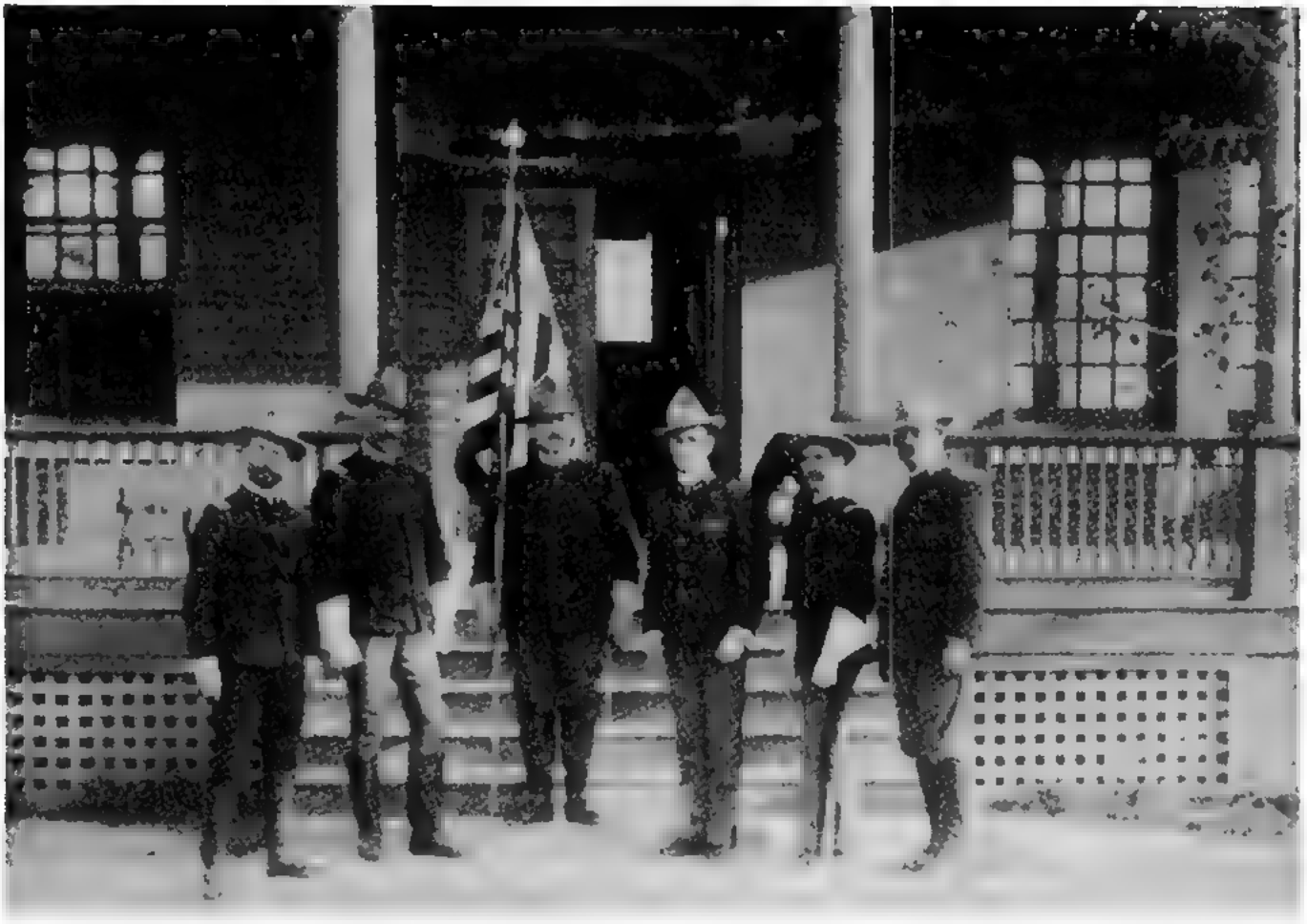
On June 13 the regiments received orders to move to Jacksonville, Florida. The date of departure was set for June 22. Troopers speculated about where they would end up fighting. One cowboy found a map of the West Indies, including Puerto Rico, and allowed, "Why, that place is not large enough to get my horse on!" Still short of horses, the troops were outfitted with cavalry uniforms, Krag-Jorgensen carbines, and Colt revolvers. The *Denver Times* advertised a special Union Pacific Railroad excursion to visit Torrey's Riders in Cheyenne on June 18. Tickets cost three dollars. On June 21 a big demonstration was held in honor of the cavalry and the regiment paraded through the streets of Cheyenne.

Cities and towns along their route cheered them, but Torrey's Riders were plagued by bad luck from the start. An accident occurred their first night out

Wyoming State Museum

Colonel Jay L. Torrey.

One officer drilling his men gave a command they did not agree with. "That's not right," came a complaint from the ranks. "It is," replied the officer. "You're a ——— liar, it should be fours right," the trooper corrected. So admonished, the officer replied, "That's so, excuse me," and the drill proceeded as usual.



Wyoming State Museum

Colonel Torrey and staff at Fort D.A. Russell.

On June 26 at Tupelo, Mississippi, the second section of the train moved into the station where the first section had already come to a stop. There was a deafening crash and Colonel Torrey, who was in the first section, miraculously escaped death. He was carried about 300 feet amid a pile of breaking wood and glass . . .

when the platform of one of the coaches was badly crushed; however, there were no injuries. On June 24 a second accident occurred. The engine of the second train moving into Union Station at St. Joseph, Missouri, jumped the track, plowed through the earth for thirty feet, and toppled over. The engineer died at the throttle and the fireman was badly scalded. The cars carrying the horses derailed but none of the animals were hurt. Then at St. Louis, as the train was about to move through a tunnel, trooper Archie Sackett failed to leave the platform, became suffocated by the smoke, and fell off the platform. His "body was badly mangled and the head cut off." Now some of the troopers began to expect bad luck.

Sadly, they were correct. On June 26 at Tupelo, Mississippi, the second section of the train moved into the station where the first section had already come to a stop. There was a deafening crash and Colonel Torrey, who was in the last room of the first section, miraculously escaped death. He was carried about 300 feet amid a pile of breaking wood and glass; timbers closed around his feet, badly crushing and bruising them.

The wreck was most serious in the center coach of the first section, which was completely destroyed. There were five deaths and fifteen serious casualties, all from Troop C, which was recruited from Laramie, Wyoming. The engineer of the second section was eventually blamed for the wreck. He disappeared from the scene, fearing the cowboys would lynch him. The people of Tupelo turned out in full force to aid the stricken men. Vacant buildings were quickly made into emergency wards. Torrey, who would suffer from his injuries for several weeks to come, retained command from his bed.

After six days and nights of travel and three accidents, the regiment reached Jacksonville and went into camp at Panama Park. They placed the horses in a piney grove on sandy ground, but the heat was oppressive to both the men and animals who had come from a much higher elevation.

The regiment camped at an old ocean resort in an attractive part of Panama Park with tall pine trees and palms, and within easy access of water for swimming. Each of the eight-foot, wall-type tents accommodated four troopers; officers used circular tents as headquarters.

At first the troopers' health remained singularly good; then the rainy season arrived and with it all sorts of diseases and fevers. The slightest exercise caused the men to perspire excessively and the horses were not acclimated to

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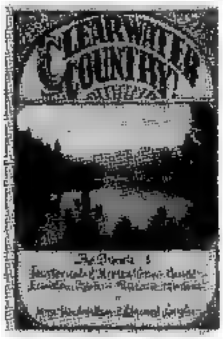

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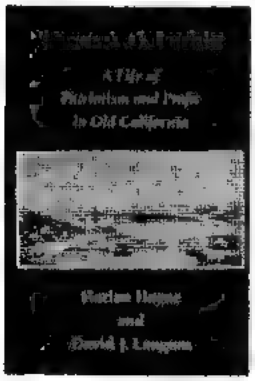

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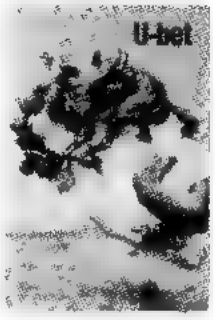

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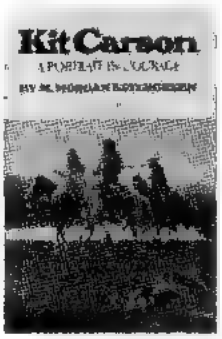

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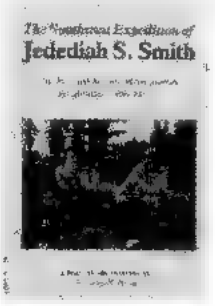

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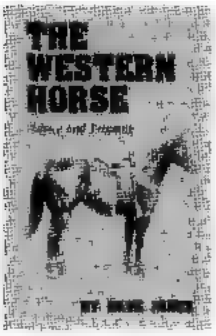

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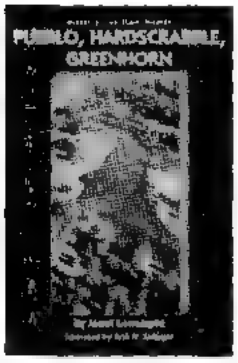

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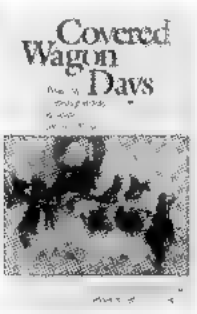

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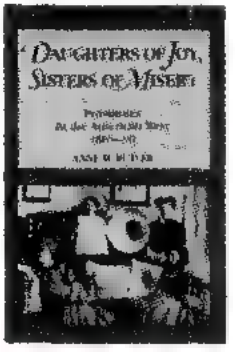

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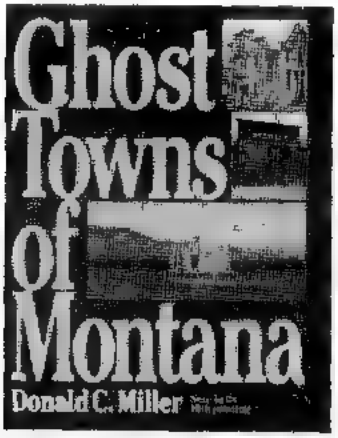

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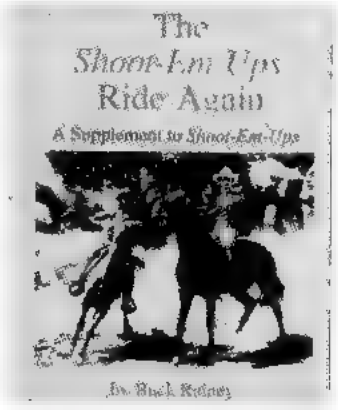

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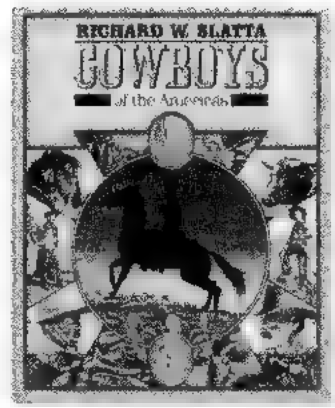

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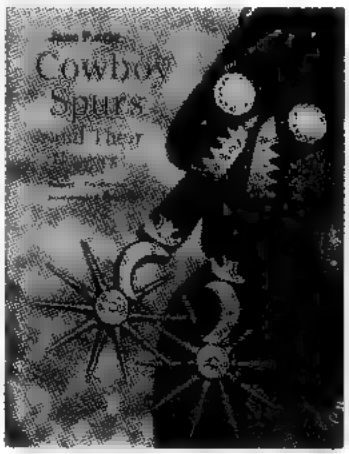

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the area's sea-level elevation. By now Teddy Roosevelt and his men had ridden to glory at San Juan Hill, and it appeared the war would soon be over. Still Torrey's Riders languished in camp.

The bodies of those killed in the train wreck in June had been buried temporarily at Tupelo, Mississippi. Torrey had grandiose plans to raise a monument there to the fallen heroes, but the folks back in Wyoming wanted them home. Eventually they were reinterred at Fort Russell.

Torrey's feet had been so badly crushed that they had been unable to bear his 235 pounds for some time. On June 12 he made his first visit to his men at Jacksonville. When they heard he was there, the troopers stormed Major James G. Harbord's quarters to cheer for their leader. One trooper who had been injured at Tupelo hobbled through wet underbrush from the hospital to see Torrey. On June 13 the regiment paraded through Jacksonville to be inspected by General Fitzhugh Lee, Senator George L. Shoup of Idaho, and Colonel Torrey. Brigadier General L.F. Hubbard of the Third Division, Seventh Army Corps, later said, "I never saw as fine a body of cavalry as the Torrey regiment. Its maneuvering was perfect in every way and their horsemanship simply wonderful."

By now the future of the cowboy cavalry was in question. Roosevelt's Rough Riders had achieved victory in Cuba, but Torrey's and Melvin Grigsby's men had been in camp for months in Florida. One trooper wrote, "I would give a month's pay for just a breath of Wyoming air. You ask how far it is to hell and they say 'Just 2 blocks south.'"

Grisby's men were the first to be mustered out while Torrey's men were still suffering from epidemics. Men were dying at a rate of five to nine per day and suffering from yellow jaundice, liver and kidney diseases, typhoid, and malaria. Food was tainted, the men looked emaciated, and many were broken out with boils. A total of 569 men were in division hospitals, but reports indicate only a few were seriously ill with typhoid.

Wyoming State Museum

Headquarters, Fort D.A. Russell.

Secretary of War Alger told Torrey in October he had decided to muster out the whole command. Each man was to receive travel pay—approximately $100. In late October 1898 the men had physical examinations and were discharged. Of the 1,100 strong, healthy men who had joined the regiment, now only 300 were fit for service. Over 400 qualified for a pension, and the other 400 faced a period of convalescence. The total death toll had been forty—all of disease or accidents. The cowboy cavalry had not participated in one military engagement.

The regiment's highly select horses were transferred to the Seventh and Eighth cavalries at Huntsville, Alabama. Two years later, Torrey announced plans to establish a rough riders school at his ranch at Embar, Wyoming, for the benefit of former members of his regiment.

While Torrey's Riders had languished in Florida, their families back home had penned songs and poems about their service. One such anonymous poem succinctly chronicled the regiment's wartime service:

With gusto, guns and horses galore,
Torrey led his Terrors off to war;
He marched them up and marched
them down,
But only round the camp and town.
Never a glimpse of the Spanish foe,
But days, weeks, and months of woe;
No battles to fight, no laurels to win,
So, he marched them home again.

Wyoming State Museum

Colonel Torrey in later years and Wallace B. Hodge at Torrey's Owl Creek Ranch, Thermopolis, Wyoming.

Illustrations by BUD McCAULLEY

Swamp Fox of the S

PART TWO

By JAMES SMALLWOOD

Last Issue: Cullen Baker was a young brawler from northeast Texas who easily took offense and was quick to kill anyone who crossed him. His Civil War career, in both the Union and Confederate armies, was inglorious, and he wound up leading a band of guerrilla fighters in Arkansas and Texas. When Baker tracked down a group of his old cohorts who had stolen a woman's livestock, he got a chance to mend his reputation.

After the Civil War, Cullen Baker tried to go straight. The brigand, murderer, and drunkard had two good reasons to change: a young wife who had proven her love and his baby daughter by Jane, his deceased first wife. In the fall of 1865, he moved his family to Mush Island in the middle of the Sulphur River, about ten miles north of Line Ferry. He tried to establish a new ferry but failed because of sparse traffic. However, he soon had a chance to take over the management of Line Ferry, so he and his wife moved there.

For months Baker was a model citizen, but calamity overtook him in March 1866 when his young wife died of an illness that was never explained; she was buried in a family graveyard near the ferry. A few days after his wife's death, Baker created an effigy, dressed it in her clothes, and talked to it like it was his wife come back to life.

Baker grieved only a short time, though. Two months and seven days later he proposed marriage to his late wife's sister, sixteen-year-old Bell Foster. Bell rejected Baker, choosing instead the crippled Thomas Orr, a schoolteacher who boarded with her father.

Already, bad blood existed between Baker and Orr. Months earlier, in Baker's absence, Orr was crossing Line Ferry, assisted by freedmen in Baker's employ. Just then, Baker arrived drunk with a whiskey bottle in one hand. He ordered Orr returned to the north bank, and he then demanded that Orr take a drink. When the non-imbiber refused, Baker accused him of a lack of manners, became belligerent, and whipped Orr, who had a crippled right hand.

Baker apparently decided that the schoolteacher was a special enemy, for he and a friend, Lee Barnes, visited Orr's schoolhouse about a month later. He confronted Orr, demanding the ferry charge that Orr would have owed had he been allowed to cross the Sulphur unmolested. Although Orr gave him the undeserved money, Baker verbally abused him. Of course, Baker was after Orr because he had married a girl the Fox had wanted. Worse, he was a Union man and a pre-war abolitionist in Confederate territory.

Meanwhile, post-war events ran their pace. Because Southerners had not fully cooperated with Presidential Reconstruction in 1865 and 1866, the Reconstruction Act of March 2, 1867, abolished southern state governments (except for Tennessee) and placed the states of the old Confederacy under military rule. Five military districts were each commanded by a major general charged with securing law and order and supervising voter registration and elections. Notably, ex-slaves were to be allowed to vote and hold office, stipulations that many white Southerners could not accept.

THE FREEDMEN'S Bureau—established by Congress to help ex-slaves make the transition from slavery to freedom—came to Texas in 1865 but established only twelve stations within the state. The agency expanded in 1867 after the Reconstruction Act and came to number sixty-seven local subagents who supervised race relations. In the spring of that year, a Captain Davidson, a Union war veteran, came to New Boston, the seat of Bowie County. He was dangerously close to the Sulphur swamps and to Cullen Baker, but he had twenty infantrymen with him, and he confidently established a bureau post.

ulphur

Despite such Federal efforts, Baker continued his nefarious career. He joined a local Ku Klux Klan, a terrorist society dedicated to white supremacy. Reported for some infraction, the Swamp Fox quickly came to the attention of Captain Davidson, who sent four men to arrest the outlaw. Although Baker was away, the soldiers reportedly terrorized his two maiden sisters who now lived with him. They may have also stolen some goods.

On returning and learning of the incident, the Swamp Fox became enraged. He jumped on a mule and headed for New Boston. After hitching his mule to a post, he entered a saloon on the east side of the town square. While still enjoying his refreshments, he penned a note demanding the unconditional surrender of Captain Davidson's garrison; while a runner delivered the note, Baker ate lunch.

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Still enjoying his meal, Baker noticed a group of sixteen blue-coated infantrymen marching down the street. He went to the saloon door, gun in hand, and opened fire. He killed only one soldier but wounded several more before taking his leave. Thus did the Swamp Fox declare war on the Freedmen's Bureau.

Baker troubled the agency from its beginnings in Texas until his death in 1869. He recruited a "wild bunch" and began harassing Unionists and freedmen. He intimidated ex-slaves, trying to force them to remain in the area to ensure an adequate labor supply for white landowners. When a group of blacks tried to leave, Baker and his men murdered them and displayed their bodies on the main street of New Boston as a lesson for other freedpeople. Yet, as harvest season ended, Baker ironically drove freedpeople from the fields so that landowners could confiscate their crops as was allowed under the Texas *Black Codes* if laborers "just ran off."

Of Baker, it was said that he did not "hesitate to shoot. . .[freedmen] on the slightest complaint made by the employers." Further, the outlaw assaulted blacks if they sought bureau protection. He also hampered Unionists who hired black sharecroppers and often punished the sharecroppers themselves. Once, he ordered several freedmen off a Unionist property and directed them to work for a nearby Confederate landlord. When they refused, he calmly shot them all. Some freedmen started sleeping in the woods for safety, but—for a dollar or less—Baker would find them and kill them at the request of a landowner.

Eventually, Federal commanders established a strong military garrison in Jefferson, but Baker remained out of control. In a drunken spree, he robbed—in broad daylight—the Forrest Home store of James Rowden, who was temporarily away. The Fox was punishing Rowden, who had earlier said unkind things about the sensitive Baker. Later, Rowden bravely demanded payment for the stolen goods. Baker went to his home a few nights later and called out the merchant, who complied despite his wife's and daughter's entreaties not to leave the house. Once Rowden was outside, Baker leveled a rifle at him and gave him a bullet in the left side; the merchant died within a few hours.

Next, Baker assailed a small colony of ex-slaves who had settled near Jefferson; he attacked them apparently just because they were free, and he killed several of them. The murders prompted the Federal commander at Jefferson to send a detachment to pursue the Fox, but he fled back to the safety of the Sulphur swamp.

A detachment from the new garrison encountered the bandit on the road near Linden, but the soldiers did not recognize him. A short conversation ensued, Baker learned of the soldiers' directives, and suddenly pulled his gun. He fired at point-blank range at the leader of the troops, but the cap misfired and no one died. Baker got away by heading for the bush.

A couple of days later, twenty mounted soldiers encountered Baker on the New Boston road near the Sulphur crossing. The Fox engaged them in derisive banter, mocking them: his confident manner apparently intimidated the soldiers. Baker suddenly drew two pistols, killed at least one trooper, and wounded several others. He wheeled his horse into the forest and headed in the general direction of New Boston. The soldiers followed but stayed on the road. At a creek crossing, they heard crashing sounds coming from the woods; suddenly, their quarry burst through the bush. At full speed, he charged the troopers, firing two guns and screaming orders to an imaginary gang. The soldiers took Baker's words at face value, and fearing an ambush, stampeded for the safety of New Boston. The brigand continued the chase and kept up his fire, breaking off only when he came to the outskirts of town.

After the fray, soldiers from New Boston tracked the Swamp Fox day and night, but he remained at large. However, a patrol found a trail which led to a cornfield where Baker lay sleeping. Although the officer in charge demanded silence as his men surrounded

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the field, the Fox heard something, for he awoke with a start. As the troopers closed on him, Baker—with a gun in each hand—made a mad dash through the soldiers' line. He escaped without a scratch, killing three soldiers.

After the incidents near the Sulphur swamps, soldiers in Jefferson and Freedmen's Bureau agents in such locales as Marshall, Tyler, and New Boston, made Baker's capture a priority, yet he remained at large. Weeks later the troopers finally gave up. For a time the Swamp Fox had virtual control of Bowie County and its adjacent environs—and he enjoyed it.

On October 10, 1867, with one other man, he captured a government supply wagon originally destined for New Boston. Waiting at a crossroads, the Fox and his friend killed the driver and wounded three guards who ran away and left Baker with his booty. In desperation, the commander of the Jefferson garrison placed a $1,000 reward on Baker's head, but got no takers.

On Christmas day 1867, Baker and a band of two or three dozen crossed into Arkansas and attacked the home of Howell Smith. The outlaw's motives were racial. Smith shared his home with a black family that he had hired as farm laborers. Worse, from Baker's point of view, Smith allowed the blacks to invite area freedpeople to a celebration in the Smith home; this no Klansman could tolerate. Attacking the place when the barbecue was in full swing, the Swamp Fox and his band of two dozen brigands first shot through an opened door, killing several freedmen and wounding others. Although he was shot in the right thigh, Baker continued to direct the battle.

Even as the Fox fell from his horse, he ordered his men on; they managed to get into the Smith home and savagely beat Smith and his two daughters. The young women recovered, but Smith died within a week. After that vicious act, the military governor of Arkansas, Clayton Powell, put another $1,000 reward on Baker's head.

Baker continued his outlaw career and his suppression of blacks through 1868. In the pay of ex-Confederate landowners, businessmen, and politicians, Baker limited the black vote. Bureau agent A.G. Malloy wrote that the Swamp Fox's actions ensured that whites in his area would control the black vote, nullifying whatever power the blacks might gain and putting power back in white hands.

In one notorious incident on October 7, the Fox killed William S. Kirkman, the bureau agent in New Boston. Cullen's motives were obvious—Kirkman had greatly aided area blacks, and he had directed various patrols that went looking for the Swamp Fox.

Baker had threatened Kirkman's life, and the agent knew that someday the Swamp Fox might kill him; still Kirkman tried to do his duty and help area freedpeople in spite of the danger. Finally realizing that the bureau could not adequately protect the young agent, the assistant-commissioner for the state of Texas relieved Kirkman of his duties, effective September 28, 1868. He was to be transferred to the bureau post in Austin.

Kirkman made a grievous error; he dallied a few days in New Boston, wrapping up all his personal affairs and finishing bureau paperwork. As late as October 6, he worked in his office until 2:00 a.m., when he left to take a brief walk to his boarding house. Suddenly, other boarders awakened with a start, hearing massive gunfire in the yard. Baker and one other man had lain in wait for the agent and shot him seventeen times at close range.

The owner of the boarding house, N.B. Anderson, sent a freedman to the yard to investigate. Then, after receiving a report, the owner and the other boarders went back to bed because it was only a bureau man who had been killed.

THE NEXT DAY, Baker came back to town, went to the general store, and told passersby that he had accomplished what he wanted to "last night." Baker probably made his purchases with Kirkman's money, because the agent's body had been robbed.

After Kirkman's death, Baker continued his war against the Federals. He again crossed the Red River in November 1868 with about fifteen of his "wild bunch." The group terrorized Sevier and Little River counties. On Sarah Taylor's farm, they killed several freedmen. At the crossing of Walnut Bayou, Baker and his men murdered the Little River County sheriff, and a Major Andrews and a Lieutenant Willis, both Federal officers at Paraclifta.

Because of the violence, on November 4, 1868, Governor Powell proclaimed martial law in ten southwestern Arkansas counties, including Sevier and Little River. He blamed the violence on the Ku Klux Klan.

According to the Arkansas governor, Baker (and the Klan) created "vacancies in office by assassinations and intimidation." In a personal letter to a friend, Powell added that Andrews and Willis

Orr and his men found the bandits in a drunken stupor and charged them. The two brigands died in a hail of bullets. Cullen Baker, the Swamp Fox—the "hero of the lost cause"—had passed into legend.

"had been assassinated by Baker and his damnable Ku Klux gang." He then asked for more Federal troops, who arrived nine days later at Murfreesboro under the command of a General Catterson.

Confronted with Catterson's command, Baker and his men slipped back across the Red River. He soon visited a Dr. Jones' farm, where he pretended to be a militia officer who was pursuing the evil Swamp Fox. He asked the freedmen there for a strong-hearted man to help him chase the murderer. A few volunteered; some distance from the place Baker and his men killed the surprised freedmen and left their bodies to rot in the field.

After such mayhem, Baker and his band crossed into Cass County and confronted a Mr. Salmon, a prominent local Unionist. Baker and his boys said "hello the house" and claimed to be Federals in pursuit of the Swamp Fox. After thus luring Salmon outside, the gang riddled his body with lead. They left Salmon's body, like those of the freedmen, in the road to rot as a warning to other Unionists. In the next few days, Baker and his men killed two more freedmen at the farm of a Mr. Scarborough and one more at Parson Dodd's.

On November 20, 1868, Baker proclaimed that he was leading an "expedition" of revenge against the crimes of Reconstruction. The gang tracked down and killed a few more "abolitionists." The campaign continued into December, and the gang took some *live* Unionist prisoners from Bowie County: a Mr. Murphy, Mr. Foster (Baker's former father-in-law), a Mr. Davis, and the crippled Thomas Orr.

The Swamp Fox physically punished all the captives and then decided to hang Orr. Baker ordered his men to hang Davis, but there was only one rope. Baker had Orr cut down, for he appeared to be dead. Before Davis met the rope, he begged so for his life that the outlaws relented. They left the scene satisfied that Orr was dead and that the other captives had been humiliated enough; besides, the Fox and several of his men were already drunk, and their actions were not necessarily rational.

Baker next popped up in Cass County where word had already spread that Orr had survived. The outlaw went after him, but as Baker and one cohort, Matt Kirby, approached Orr's farm the Unionist saw them. He fled to a neighbor's house, where men were assembled to butcher hogs, and asked for volunteers to fight the Klansman and his gang. A few joined him and the group returned to Orr's farm.

Orr had his volunteers; Baker and Kirby were on the way. A violent showdown was in the making but before they reached Orr's farm, Baker and Kirby stopped to eat and drink; by evening both were in a drunken stupor. Orr and his men found the bandits that way and charged them. The two brigands died in a hail of bullets. Cullen Baker, the Swamp Fox—the "hero of the lost cause"— had passed into legend.

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A Man Called "Mary

By WIL HUETT
Illustrations by DALE CRAWFORD

In February 1858, in Taos, New Mexico, the United States Army paid "Mary Anne, a Mexican from Henry's Fork" $500 for "arduous services." Captain Randolph Marcy later wrote, "My credulity was greatly taxed the next morning when he told me his money was all gone, and asked me for a loan of five dollars. I said to him, 'Is it possible you have been robbed?' He replied, 'No, but me lose him all at monte, Messieur.'"

Marcy made the five-dollar loan, but he was not done with the Mexican called Mary Anne. Neither was history, for this man, whose Spanish name would be misspelled many ways, was about to give up the life of a trapper, trader, Indian fighter, and guide, and settle down to become a respected businessman, rancher, and elder statesman of the disappearing American frontier.

The man called Mary Anne, or sometimes Marianne, was Mariano Medina—friend and contemporary of Jim Bridger, Kit Carson, and other stalwarts of the early American West. History speaks few words about Medina, especially of his early years, but that may be because of a cultural gap. The frontier explorers and settlers with whom he worked were mostly of Anglo-Saxon descent, and he was not. Many of those "Americans" did not bother with proper names for "foreigners." They often used nicknames or Anglicized versions of real names. The frequent misspellings of Medina's name, even in official documents, may indicate that other writers simply omitted him from their accounts rather than appear ill-informed. But Mariano Medina, from his birth in Taos to his death in the newly-formed state of Colorado, lived a life of frontier adventure second to none.

By the time Medina rendered his arduous service to the government during the Mormon unrest of 1857–58, he was probably more than forty years old. His exact birthdate is not known. His most definitive biographer, Zethyl Gates, accepts 1812, but others are content to say between 1808 and 1818. His father was Spanish and his mother from New Mexico.

How Mariano began his career as a trapper and mountain man is also unknown. There are strong indications that he worked with trader-trapper Charles Autobees, who bartered New Mexican whiskey for furs in the South Platte region of Colorado. It is also believed that Medina made at least one trip to St. Louis, probably with Autobees, during the 1830s. Settlers who lived near him in Colorado during his later days accepted without question stories of his service with John Charles Frémont's second exploratory expedition. The duties of this service have been variously reported as aide, runner, and interpreter.

By the early 1840s Medina is reliably placed in the northwest, living as a free trapper along the Snake River. He could have gotten there with the Frémont party. He may have been selling whiskey in Colorado when Frémont celebrated the Fourth of July at Fort St. Vrain on the South Platte, and traveled on with Frémont and his party as they followed the Thompson River upstream toward the mountains, then turned north and headed for Wyoming and the northwest. The Thompson, or Big Thompson River, was where Medina spent his last twenty years. Did he first see it as a newly-hired member of the Frémont party? It seems likely.

By 1857 Mariano Medina had established solid credentials as a man who knew his way around the mountains. He left the Snake River country in 1848 after running afoul of the Blackfoot Indians; during a raid on his camp Mariano killed two warriors. He paid reparations with a number of horses but apparently decided the debt would never be fully settled and pulled up stakes. His camp by then included an Indian wife, a child by her previous husband, trapper Luis Papin, and possibly a son of his own.

The next few years are again sketchy. He is reported trading along the Oregon Trail, running a ferry on the Sweetwater near South Pass, and finally settling in at "Uncle Jack" Robertson's camp near Fort Bridger, where he apparently

Medina was paid $500 for "arduous services" and squandered it on one night playing monte.

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Anne"

served as a professional hunter. There in 1857 Medina's wife had a daughter, and he began the adventure which would bring his closest brush with fame.

As the power of the United States government reached farther west it collided with the independent Mormons who had emigrated to Utah to escape domination by a hostile society. The conflicts heated up as the government built forts to help protect the flood of immigrants moving west. The Mormons saw their independence being strangled by a tightening military noose.

In 1857 President James Buchanan decided to send troops to Utah, the area the Mormons referred to as Deseret. Despite the counsel of others to go slow and launch an investigation while preparing a possible military expedition for early 1858, Buchanan chose to move right away. He appointed Colonel Albert Sidney Johnston commander of the Utah Expedition and urged him to get under way as soon as possible.

By June 1857 the expedition of 2,500 troops was ready to leave Fort Leavenworth, Kansas. One of its officers was Captain Randolph Barnes Marcy, commanding Company D, Fifth Infantry. Marcy was a twenty-five-year veteran of military service but would shortly undergo his greatest trial; he survived it with the help of Mariano Medina.

Before the Utah Expedition neared Fort Laramie, Wyoming, the Mormons were scouting its progress and harassing the force. They burned grass needed to feed the army's animals and destroyed bridges and roads. By the time the harried troops reached Fort Bridger, expecting a respite, both the weather and the Mormon "Avenging Angels" were a threat. Fort Bridger itself was but a hulk; Mormons had purchased it a few years earlier, then torched it to deny the army its shelter. A severe autumn storm destroyed many of the column's animals.

Moving past Fort Bridger, the expedition set up winter camp and decided to replenish their stores. Since the mountains behind them seemed impassible until spring, Colonel Johnston assigned Captain Marcy to command a detachment and bring supplies back from New Mexico.

By this time the troops knew Mariano Medina well. As they neared Fort Bridger they had been warned that Mormon forces were planning to raid their cattle herd. An assistant wagonmaster said the warning came from "a Mexican named Mariano" and an Indian from Fort Bridger.

Fort Collins Public Library

Mariano Medina—the man called Mary Anne.

A member of the command, Captain Jesse A. Gove, wrote daily to his wife and mentioned Mariano's presence on an October 23, 1857, night scout. Gove reported that Captain Marcy formed a detail to move against the rear of a group of Mormons. Among the group were "Five guides, Goodale, Baker, Martin, McDonald and 'Mary Anne,' a Mexican from Henry's Fork who was going home and was chased in by the Mormons."

When Captain Marcy's resupply column left Camp Scott, Utah, for New Mexico on November 27, 1857, he commanded forty soldiers, twenty-four civilians, one woman, and sixty-six mules. The woman was not a man named Mary Anne, but Jennie, the Indian wife of guide Tim Goodale. Mariano Medina was, however, among

Baker admitted to having lost his way because the mountains looked different buried in snow. Marcy relieved Baker of his $150-a-month job and gave it to Miguel Alona.

the number. Expecting the trip of approximately six hundred miles to take twenty-five days, Marcy exercised caution and provisioned for thirty days.

By December 8, twelve days out, the group had reached the point where they would leave the Green River drainage and head for the Grand (Colorado) River and the high mountains beyond. They attempted to employ an Indian guide there, but he would not go and advised Marcy not to, saying the mountain snows were too deep. However, Marcy pressed on. He had to cross the peaks of southwestern Colorado to reach his destination of Fort Massachusetts, New Mexico.

Within days the snow was so deep an advance of soldiers had to crawl on their hands and knees to pack snow for those behind. The hard crust of the snow cut the exposed flesh of men and animals alike. With only pine needles and bark to eat, the animals began to weaken and die at a rate or four or five a day. The column jettisoned baggage until each man had only one blanket, his rifle, and ammunition. Rations dwindled before the group reached the crest of the mountains and the men began to eat their pack animals. For twelve more days they pressed on, eating mule meat seasoned with gun powder.

The final blow came when Marcy discovered that his chief guide, Jim Baker, had lost his way. He learned the truth from two sources: one was a herder described as "a half-breed Mexican" named Miguel Alona; the other, according to expedition member Jim De Forrest, was "a Mexican called Mariano (called Mary Ann among us)." De Forrest said Mariano "informed Captain a high peak one hundred miles away was near Fort Massachusetts." This was on January 9, day forty-four of a planned twenty-five-day expedition.

Marcy questioned Baker, who admitted to having lost his way because the mountains looked different buried in winter snows. Marcy relieved Baker of his $150-a-month job and gave it to Miguel Alona.

The troopers retraced their steps and struggled up the western slope of the mountains. They had spent too many precious days on the wrong trail. They were cold, tired, and dangerously near starvation. Marcy dispatched Mariano and Miguel Alona to take the three mules that were still in good shape and race ahead. Mariano carried a letter from Marcy advising the commander of Fort Massachusetts of their dire situation and requesting him to send immediate aid.

Marcy expected the return of a relief column in six or seven days. When ten days passed with no word he presumed the men were lost, perhaps dead. On the eleventh day Mariano and Alona both appeared, riding fresh horses, firing their pistols, and shouting that help was on the way. Marcy ordered Mariano back to the wagons with directions to push them night and day until they reached his struggling band.

Early the next morning the wagons met Marcy and his men, who immediately set up camp. Guards watched the provisions to prevent anyone from overeating, but several men did break into the stores and became ill. One man died the next day and was buried on the banks of a river in southern Colorado.

Four days later Marcy and his band were safe. De Forrest wrote, "On January 22, 1858, we arrived at Fort Massachusetts after having been exposed for sixty days to as great a degree of privation as any party of soldiers." De Forrest may have miscounted—it was really fifty-seven days—but he apparently did not exaggerate the difficulties they had overcome.

Half the men were without any head gear; most had worn out their boots and marched on feet wrapped in pieces of blanket or strips of hide from the dead mules. The constant hiking through deep snow had so worn away their clothing that only a few had trousers extending below the knees.

In his 1858 report, Secretary of War John B. Floyd lauded the mission: "It may be safely affirmed that, in the whole catalogue of hazardous expeditions scattered so thickly through the history of our border warfare, filled as many of them are with appalling tales of privation, hardship and suffering, not one surpasses this, and in some particulars it has hardly been equalled by any."

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Marcy later wrote about the expedition in his 1866 book, *Thirty Years of Army Life on the Border.* He mentions Mariano Medina, calling him, "Another peculiar specimen of the mountaineer genus." He writes, "He had spent all his life among the Indians, and for many years had been in the service of the American and Northwest Fur Companies. Besides the French, Spanish and English, he spoke the language of several Indian tribes with whom he had lived."

Cold, tired, and dangerously near starvation, the troopers retraced their steps and struggled up the western slope of the mountains.

Marcy continued his paean to the man called Mary Anne. "While we were making our way up the west slope of the Rocky Mountains through snow from three to five feet deep, at the rate of two or three miles a day, I found Mariano's experiences in the high northern latitudes, and the ready resources which he always had at hand for every emergency, of great service to me. For example, he found a substitute for tea in the wild mint which abounded in the line of our march, and a fair imitation of tobacco was supplied by the inner bark of the red willow."

That Mariano should know about tobacco is not surprising. In later years he is frequently mentioned as always having his pipe at hand. In the only known photographs of him he clenches a pipe in his teeth.

Marcy appreciated Mariano's service so much that he paid him that short-lived $500; however, Mariano was not done with the expedition. After moving on to Taos, where Medina visited friends—perhaps including his old compatriot, Kit Carson, who was the Indian agent there—Marcy dispatched Medina back to Fort Bridger. Mariano was to carry a letter to Colonel Johnston reporting the circumstances of their trip. His route this time was to be up the east side of the Rockies and across southern Wyoming. Again Mariano Medina would be riding through the country he would shortly settle in and call his final home.

Back in Utah, Captain Gove reported Mariano's March 13, 1858, return: "Mary Anna, a Mexican who went out to New Mexico with Captain Marcy, came in last night by way of Laramie." Medina carried with him word that Marcy was gathering the supplies needed for the expedition to resume its march in the spring.

The Mormon campaign amounted to little more. The troops marched into Salt Lake City, with no resistance, in July. A veteran of the campaign later remembered that it was Mariano Medina who guided the Seventh Regiment in their quiet passage through South Pass, down Echo Canyon, and into Deseret. What had appeared to be an impending armed conflict turned into years of political maneuvering.

But what happened to Mariano Medina, the Mexican called Mary Anne?

Maybe during that last long ride up the Front Range of the Rockies, Mariano Medina, a mountain man well into his forties, decided it was time to settle down. Maybe he pushed his pony into the icy waters of the Big Thompson River at the exact point where he returned a few months later, with family in tow, ready to build a cabin and become a prosperous trader, merchant, and rancher. Maybe the memory of those $500, so easily gone, haunted him into abandoning his carefree life and becoming the kind of man who would fly a white flag over his fort to show he was "at peace with all nations," and who would become rich enough to donate land for the first schoolhouse in the area.

Those who lived near Mariano Medina in the next twenty years said he was not a talkative man. In fact, their comments vary from calling him quiet but always polite, to referring to him as a barbarian who killed one of his own sons.

Whatever the truth, Medina was probably not without a sense of humor. Why else would this "Mexican called Mary Anne," as rough and tough a man as had ever faced the frontier, always refer to his Indian wife, a Flathead named Tacanecy, as John?

Bill Tilghman's Day in Jail

By ROY BIRD

Kansas State Historical Society

Bill Tilghman was photographed for W B. "Bat" Masterson's *Famous Gun Fighters of the Western Frontier* a few years before the lawman was jailed.

In September 1918 the famous Oklahoma lawman Bill Tilghman went to jail. That's right, jail. He was held for a time in the Cowley County jail in Winfield Kansas, all over a pistol that wasn't used in a shootout that Tilghman wasn't involved in twenty-five years earlier.

The story of Tilghman's arrest is convoluted, at best, and has its origins in a September 1, 1893, shootout at Ingalls, Oklahoma Territory. The fight was between lawmen under Deputy United States Marshal John W. Hixon and Bill Doolin's gang of outlaws. Among Hixon's posse was Lafayette "Lafe" Shadley, a former deputy in Montgomery County, Kansas. Even though Tilghman was not in the battle, Shadley's role in it would have unexpected effects on him much later.

During the fight, Shadley and Bill Dalton exchanged shots. When another outlaw shot Shadley in the back, the deputy dropped his revolver, crawled into a storm cave, and died. Some of Shadley's kinfolk accepted a rumor that Doolin had actually killed their relative. The claim that Lafe Shadley stood toe-to-toe with the notorious outlaw might have earned a few free drinks, but it was not true.

Bill Tilghman caught up with Bill Doolin on January 15, 1896, while the outlaw was at Eureka Springs, Arkansas. The lawman relieved Doolin of only one weapon, a revolver hidden under his arm. Years later Lafe Shadley's descendants decided the revolver was the same one Shadley had carried the day he died, and they wanted it back.

None of Shadley's descendants ever tried to acquire the weapon until 1918 when Tilghman arrived in El Dorado, Kansas, promoting and narrating the silent film, *The Passing of the Oklahoma Outlaws*. At screenings of the film Tilghman exhibited firearms he had taken from various outlaws, including the pistol he had taken from Doolin. The pistol certainly was not the one Lafe Shadley carried at Ingalls; there is also no evidence that Bill Doolin ever had possession of that weapon. But that summer, while Tilghman was working the theater-and-nickelodeon circuit, Shadley descendants began litigation in Butler County, Kansas, for recovery of the weapon.

Kansas State Historical Society

Main Street of Winfield, Kansas, looking south, circa 1918. The tower (center) is that of the courthouse where Tilghman was incarcerated and where he sought justice.

An officer of the court received the weapon from Tilghman while serving the former marshal with an injunction preventing him from removing the pistol from Butler County. The same unnamed officer later returned the Colt to Tilghman, telling him that it was not the pistol the plaintiffs wanted. Shadley's family apparently had decided it wasn't Lafe's revolver after all.

Tilghman loaded his show —film cans, projectors, and gun exhibits—onto a Santa Fe train and rode forty miles southwest to Winfield. He assumed he had heard the last of the complaint.

BACK IN Butler County, the Shadley family had dropped the litigation, only to initiate it again in the same court. In the original legal filings, the weapon had been described as a "certain Colts, single action, ivory handle, nickel plated pistol originally having a six-inch barrel. But having been cut down and the sight set back by a Gun-Smith under the direction of Lafe [Shadley]." However, the gun was described the second time simply as a "Colt's No. 45 Calibar single action pistol." Apparently the judge in El Dorado thought the family was requesting a different firearm, saw no need for further action, and made no move to arrest Tilghman. Oblivious to what was going on, Tilghman arrived in Winfield in late July.

On July 29 Shadley's family tried a third time to recover Lafe's pistol from Tilghman's collection. This time they asked Emory W. Earhart, a justice of the peace in Winfield, for yet another revolver. Shortly thereafter a Winfield constable relieved Tilghman of another six-gun; however, the constable also returned that weapon, saying it was still not the revolver the family wanted.

The Shadleys' attorney, A.M. Jackson of Winfield, insisted that Tilghman be incarcerated. In essense Jackson wanted Tilghman jailed until he produced whatever gun the family thought they wanted. However, Judge Earhart declined to arrest the former lawman. After hearing the matter in his chambers, the justice did not even deem it worth noting on his docket as the matter seemed resolved.

However, it took less than twenty-four hours for Jackson to convince the judge to change his mind. Jackson and A.L. Noble, also of Winfield, somehow convinced Judge Earhart that Tilghman had not given them the wrong weapon; rather, they claimed, Tilghman had refused to turn over any gun at all.

Based on that false assumption, Earhart issued a warrant for Tilghman's arrest because he had "contemptuously failed and refused to deliver the revolver to the officer." So far only a lot of legal red tape had occurred, but once the warrant was issued action ensued.

The action had to be long distance, though, because when Judge Earhart declined to hold Tilghman earlier, the old lawman left Winfield for a long engagement of his show in Wichita. The paperwork for Tilghman's arrest took much of August; officers spent the rest of the month trying to locate the show.

In September James Bethel, a constable of Cowley County, traveled to Wichita, where Tilghman's show was

No. 22,177.

In re WILLIAM TILGHMAN, Petitioner.

SYLLABUS BY THE COURT.

1. REPLEVIN—*Failure to Turn Over Property—Contempt Proceedings—Nature of Action.* A proceeding to punish for contempt under section 7769 of the General Statutes of 1915, for failure to turn over property sought to be replevined, is civil in its nature.
2. CONTEMPT PROCEEDINGS—*Proper Party Plaintiff.* Generally a proceeding to punish for contempt which may be instituted by a party to enforce his own rights in an action is civil and not criminal, the state and its prosecuting officers not being directly or materially interested therein.
3. SAME—*Contempt Proceedings—Jurisdiction of Justice of Peace.* A justice of the peace before whom such a proceeding has been had, and who has adjudged the defendant in a replevin action to be in contempt for failure to turn over the property sought to be taken, is without jurisdiction to send a commitment to another county for the apprehension of such defendant, and the constable of his court is without authority to execute such paper in such other county.
4. SAME—*Habeas Corpus—Petitioner Released.* One who is arrested in such other county on such commitment and forcibly taken to the county whence it issued and placed in jail may maintain habeas corpus to secure his release.

Original proceeding in habeas corpus. Opinion filed December 7, 1918. Petitioner discharged.

W. P. Hackney, and *L. D. Moore*, both of Winfield, for the petitioner.

A. M. Jackson, and *A. L. Noble*, both of Winfield, for the respondent.

The opinion of the court was delivered by

WEST, J.: The facts of this case recall exciting times in the early days of Oklahoma, when a former sheriff lost a revolver which his sons claimed the petitioner had in his possession and was exhibiting in certain performances given by him. It was sought to obtain possession of the weapon by an action in replevin, and afterwards a complaint was made that the defendant therein contemptuously failed and refused to deliver

The Kansas supreme court decision entered in *Kansas Reports*, 1918, which released Tilghman from his jail term and dismissed all charges against him

Kansas State Historical Society

The members of the Kansas supreme court about the time they made the decision in the matter of Bill Tilghman, the well-known Kansas and Oklahoma lawman who had spent a day in a Winfield, Kansas, jail.

Tilghman had been in poor health for years. The day of his arrest was cold, and Bethel took him to Winfield in an open car without an overcoat. Tilghman's handcuffs were so tight that when he arrived at the jail he suffered from a severe chill and swollen wrists "so that a physician was called and treated him."

playing. Bethel told Tilghman that he had been charged with hiding the pistol and was to be held in the Cowley County jail in Winfield until he turned it over.

Bethel started to arrest Tilghman. However, having been a lawman himself, Tilghman knew his rights and insisted on seeing the Wichita city attorney. He obviously hoped that the city attorney would determine that Bethel had no jurisdiction outside his own county and therefore could not arrest Tilghman in Wichita.

Unfortunately, the city attorney was out of town. Next, Tilghman telephoned some local lawyers who arrived and asked Bethel to give them time to get out a writ of habeas corpus. Then they left to find a judge to make out the writ. No sooner had they left than Bethel arrested Tilghman and, aided by some Wichita police officers, handcuffed the old lawman, hustled him to an automobile, and began a circuitous route out of town.

One of Tilghman's lawyers described the trip in a brief submitted to the Kansas supreme court. It seemed Tilghman had been in poor health for years and had been living on a diet of "malted milk, with now and then a raw egg." The day of Tilghman's arrest was cold, and Bethel took him to Winfield in an open car without an overcoat. Tilghman's handcuffs were so tight that when he arrived at the jail he suffered from a severe chill and swollen wrists "so that a physician was called and treated him."

By the time Tilghman finally got a chance to see some more lawyers, he was already in the Winfield hoosegow. When he started telling his story, many legal questions arose.

L.D. Moore, a Winfield lawyer, delved deeply into the case after he and W.P. Hackney were retained to represent Tilghman. Did Judge Earhart have authority to issue an order to arrest Tilghman? Did Constable Bethel have authority to make that arrest outside his own county? Was the entire affair simply a means of harassing Tilghman? When Moore went to Earhart's office to try to straighten out the mess, Earhart became indignant and refused to cooperate. Moore contended that the affair was a civil action which meant that no arrest should have been made. Furthermore, neither Earhart nor Bethel had the jurisdiction to arrest him in Wichita, and probably not even in Winfield.

Before the Kansas supreme court, Judge Earhart claimed that he ordered Tilghman arrested for contempt of court, which was a criminal act and which Earhart believed gave him the proper jurisdiction. He denied that Tilghman was arrested for a civil law suit.

On December 7, 1918, the Kansas supreme court settled the entire matter once and for all. The judges concluded that Tilghman had been arrested solely to gain possession of Lafe Shadley's revolver, and the case was a civil rather than a criminal matter; therefore, Earhart and Bethel had no business arresting Tilghman. They also decided that Earhart had no legal reason for sending Constable Bethel to Wichita to arrest Tilghman, and Bethel should not have made the arrest in a county outside his own.

The upshot was that Bill Tilghman was vindicated. The Kansas supreme court agreed that he had been arrested only as harassment. They agreed that the Shadley family had enlisted the aid of lawyers, a justice of the peace, and a law officer to assist them in harassing Tilghman. They agreed that probably, as Moore told the supreme court, "[the family was] trying to find some revolver, whether they know which one . . . if in fact there ever was such a revolver."

BILL TILGHMAN won his case. Evidently the Shadley family decided that maybe he didn't have their ancestor's revolver after all. Attorney Moore was pleased to have argued successfully before the Kansas supreme court and probably even more pleased when Tilghman paid his attorney's fees. Neither Earhart nor Bethel long held their jobs—both were replaced soon after the incident.

As for Tilghman, he continued presenting *The Passing of the Oklahoma Outlaws* with the complete set of weapons he had captured from desperados. He died six years later, shot in the line of duty as the seventy-four-year-old marshal of Cromwell, Oklahoma.

Juan Antonio
Chief of All the Cahuillas

By RUSS McDONALD

Illustrations by E. LISLE REEDSTROM

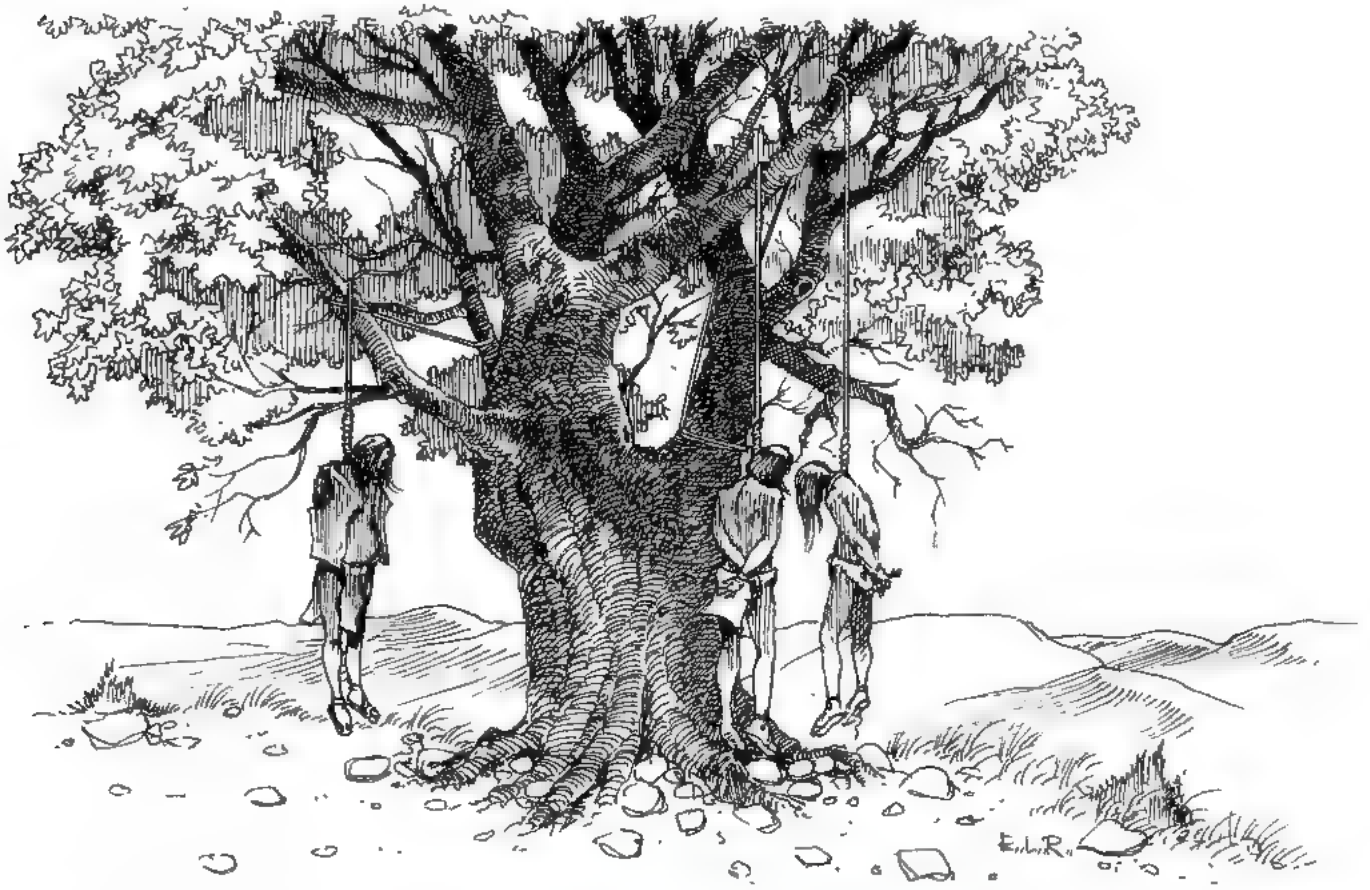
The Cahuilla chieftain, Juan Antonio, pushed his bound prisoner to the side of a murder victim's open grave. There he conducted a short, solemn hearing; the prisoner was found guilty of murdering the victim who lay in the grave. Without further ceremony Juan Antonio sent the man sprawling on top of the corpse. Instantly a dozen other Indians began filling the grave. The chief silently watched each spade of dirt. When the grave was filled, he strode to his horse and glanced about impatiently. Another Indian quickly came forth and kneeled on his hands and knees beside the horse. Antonio stepped up on the man's back and swung astride his mount. The chief's justice—swift and harsh—was done.

Juan Antonio called himself "Captain-General," and both whites and Indians recognized him as the chief of all the Cahuillas. The Lugo family simply called him "El Capitan."

Don Antonio Maria Lugo needed a strong watchdog for his immense California rancho. He had already received several land grants totaling 19,518 acres, covering what is now the cities of Lynwood, Montebello, and Maywood. In 1839 Don Lugo inspected the outlying, lush, San Bernardino Valley and saw at once the importance of creating another rancho at the crossroads of the frontier.

Governor Alverado Lugo, his nephew, issued the land grant. Don Lugo sent his three eldest sons, Jose del Carmen, Jose Maria, and Vincente, to manage the new 80,000-acre rancho. Lugo arranged for twelve families of New Mexicans to colonize the settlement of Politana (present-day Colton). In exchange for land they agreed to protect the valley and help watch over 4,000 head of Lugo cattle and horses.

Ranching the remote San Bernardino Valley had its dangers. Through the Cajon Pass came the Mojaves, the Paiutes, and the Utes, as well as bandits from Arizona and New Mexico. Runaway Mission Indians and several rancherias in the valley proper compounded the problem. Also, mixed villages of Serrano



When three Cahuillas stole some of neighbor John Brown's horses, Chief Antonio promptly hanged them from an oak tree overlooking the valley.

and Cahuilla Indians, as well as other tribes, were spread about the area.

Don Lugo was not the only man to worry about the situation in the valley. An Indian called Costa (Juan Antonio's Spanish name) had risen to become chief of the Cahuillas. He recognized, more than any other Indian, that in order to establish a lasting peace between white ranchers and the Cahuillas, he must first unify the small Indian rancherias. He also wanted to see the Cahuillas retain their old ways—those of a proud race with strong, honorable men and chaste women. To regain the old image and to live in peace required strong leadership, adequate policing, and swift justice.

Chief Antonio's justice began in the fall of 1842. A man named John Brown occupied a tract of land neighboring present-day Yucaipa. When three Cahuillas stole some of his horses, Chief Antonio promptly hanged them from an oak tree overlooking the valley, and left their bodies to sway in the breeze as a warning to other Indians.

Don Lugo met with and smoked a peace pipe with the chief; then they struck a bargain. Chief Antonio and his clan would move to the nearly deserted village of Politana. (The majority of New Mexicans had moved to safer Riverside.) He and his armed men would keep the peace and protect the stock and ranch houses from raids. Don Lugo would supply him with horses, food, and limited arms. He would deal with any Mexicans who committed crimes against the Indians; Chief Antonio would handle any Indian depredations.

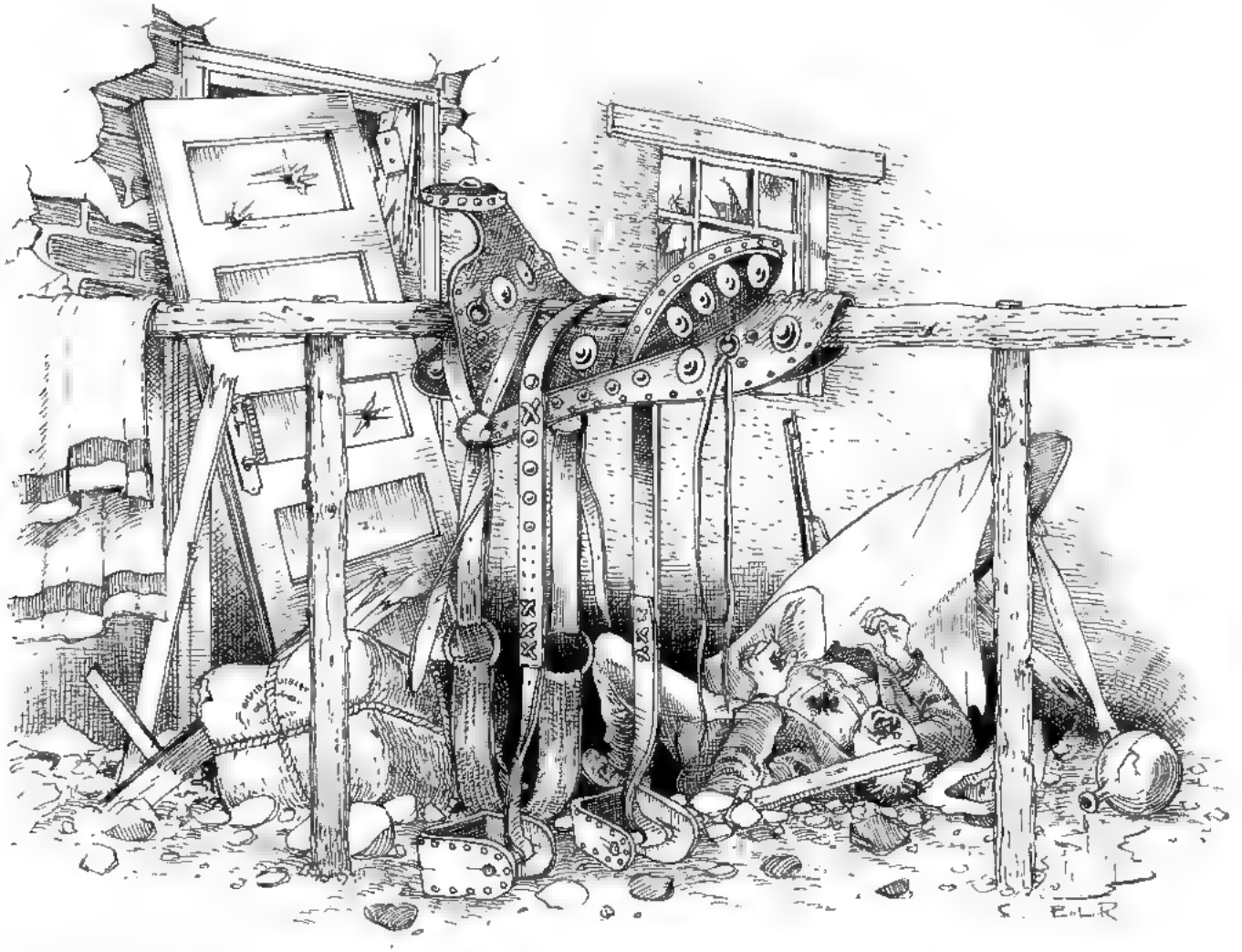
In Juan Antonio, Don Lugo had picked a good man to oversee the valley. The Cahuillan was a short, stocky man with massive shoulders and arms, a bulldog face and dark penetrating eyes. His fierce appearance struck fear into the hearts of weaker men. Despite his stocky frame he moved gracefully, with purpose, as deliberately as a king at a coronation. At least twelve warriors, a shaman, and a sorcerer always accompanied him.

When the Mexican War began in 1846, the southern Luisenos decided in favor of the United States. After the Luisenos captured eleven of General Andreas Pico's troops in the battle of San Pasqual on December 6, 1846, Juan Antonio's forces joined Jose del Carmen Lugo's twenty soldiers to retaliate.

Chief Antonio and Jose del Carmen set up an ambush in the narrows of Santa Gertrudis near Temecula. In a brief but bloody fight they killed over 100 Luisenos and captured twenty. Jose del Carmen left Chief Antonio in charge of the prisoners while he pursued the fleeing Indians.

When Jose returned he found that the chief had shot all the captives. Jose reproached him for his actions. The surprised Juan Antonio responded, "I have come here to hunt and kill all Luisenos who would kill me. If they had caught me they would not have spared my life, but would have burned me alive."

The harsh victory over the Luisenos brought Antonio much prestige in the



The doors had been broken in and goods were being carried away. The most valuable item was a silver-studded saddle worth some $2,000.

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valley. Now everyone knew he was a man who would deal severely with any who crossed him or the Lugos.

In May 1851, Don Lugo learned that a known killer and thief named John or Jim Irving was leading his fourteen-bandit gang into San Bernardino. The gang boasted openly in Los Angeles that they were going to kidnap a son of Don Lugo for ransom.

Don Lugo went at once to Chief Antonio for assistance. When the two men reached the ranch house at Jumaba, they found it already under attack. The doors had been broken in and goods were being carried away. The most valuable item was a silver-studded saddle worth some $2,000.

The bandits fled toward Yucaipa. On an open field, as Juan Antonio closed the distance, the bandits suddenly turned in cavalry fashion and counter-attacked. They killed eight Indians.

Chief Antonio fell back but continued the pursuit, this time with more caution. Other Indians arrived, bringing his force to 100 warriors. However, most were armed with only bows and arrows.

The bandits turned down Live Oak Canyon and followed it into San Timoteo Canyon. They crossed San Timoteo and followed a trail into the Reche Canyon. Irving had thought the trail would lead them across Reche Canyon to a main trail to Los Angeles or El Monte, but it suddenly dead-ended in a narrow canyon. Juan Antonio's men circled the hilltops and began firing down onto the bandits. The bandits were better armed, but the Indians had the advantage of manpower and cover. Irving and twelve of his men died in the attack. One bandit named Evans managed to escape to Los Angeles.

When General Joshua H. Bean, the military commander of Los Angeles, arrived in San Bernardino with troops to pursue Irving's gang, he was angered by Don Lugo's report that Juan Antonio's Indians had already handled the matter. The general went at once to San Timoteo Canyon to investigate. Chief Antonio could not understand why the general was angry over the killing of white bandits. The commander wanted to arrest the chief but a glance at the hills revealed too many Indians to make such a move prudent. Bean stalked off and returned to Los Angeles.

Many in Los Angeles were quick to condemn the Indians. The fact that the bandits had freely killed both whites and Indians did not seem to matter. The talk was that once an Indian killed a white man, it would be in his blood and he would want to kill others.

General Bean's attitude toward Chief Antonio seemed to change. He publicly complimented him for capturing Garra and presented him with several gifts, including a military coat with epaulets. Chief Antonio prized the coat and from then on wore it at all times, adopting for himself the rank of "Captain-General."

While Chief Antonio remained in the badlands, Don Lugo, who was now the alcalde—or mayor—of Los Angeles, was not without his own influence. He was finally able to sway public opinion and get the community to award Chief Antonio $100. That infuriated General Bean, who promptly withdrew his soldiers from the San Bernardino Valley.

In 1852 Juan Antonio faced more problems from the whites, this time Mormons. Aging Don Lugo, tiring of keeping Rancho San Bernardino under control, agreed to sell his entire holdings in the valley to colonizing Mormons for $77,000. In the past when Spaniards took control of land the Indians living there were considered part of the property; the Mormons, however, just considered them an embarrassment.

Coming events would change the Mormons' attitudes—at least for the time being. Another Indian chief, Antonio Garra near Warner's Ranch, had organized a large band of renegades. He wanted to unite all the tribes, but unlike Juan Antonio, he wanted to use them to drive all the whites out of California from San Diego to Santa Barbara. Garra boasted that he had the support of all the Indian leaders, including Juan Antonio.

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The potential uprising alarmed the whites of southern California. New forts went up in San Bernardino, Chino, San Diego, and Los Angeles, and General Bean prepared to search for the renegade Garra, although he did not have the slightest idea where the chief was located.

To prove his loyalty to the whites, Juan Antonio took twenty-five of his best warriors to find Garra. Within a week he captured him near the Warner Ranch at Caliente. This time he turned the prisoner over to General Bean. A military court tried Garra for treason and the murder of twelve men; a firing squad promptly executed him.

General Bean's attitude toward Chief Antonio seemed to change. He publicly complimented him for capturing Garra and presented him with several gifts, including a military coat with epaulets. Chief Antonio prized the coat and from then on wore it at all times, adopting for himself the rank of "Captain-General."

With the coming of the Mormons, Chief Antonio had moved most of the 1,600 Cahuillas into nearby San Timoteo Canyon. General Bean recommended that the government sign a treaty with them, guaranteeing peace and friendship and pledging that the people of California would maintain and protect Chief Antonio's people on their lands, and supply them with farm equipment, a school, and teachers.

CHIEF ANTONIO was pleased. But even as he signed the document, forces were at work undermining his dreams. The California gold rush was luring thousands of men to the country. The gold seekers and the farmers and ranchers who subsequently arrived wanted the Indian lands and made their influence felt. On June 1, 1852, the Senate rejected all proposed Indian treaties for California.

The Indians were now unprotected against ruthless evictions, unprovoked aggression, and bitter persecution. Barren San Timoteo Canyon offered little livelihood for the Indian families, and there was not always enough food.

Chief Antonio convinced the superintendent of Indian affairs, Captain H.S. Burton, to visit San Timoteo and see the Indians' problems firsthand. When Burton arrived Chief Antonio listed his tribe's problems: they were without plentiful wood, food, and water; nearby Americans killed their animals and squatted on their land, and others told them to leave; Mormons told them they must be baptized as Mormons. "I do not tell lies," Chief Antonio said. "I tell the truth. You are an officer of the government—what shall we do?"

Captain Burton said he would relate the Cahuillas' plight to his superiors, and seek help if possible. He also advised the Indians not to let anyone come

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among them and preach as the Mormons had done. Then Burton said he would return soon.

Juan Antonio accepted his word and waited; however, troubles would not wait. In 1857 the Mormons were called back to the Salt Lake, but gold mine openings in 1860 brought more Americans. The sheriff had enough trouble with gangs of lawless characters in San Bernardino; he did not need to worry about some poor Indians.

Still Chief Antonio tried to maintain law and order among his own people. When an Indian was caught stealing he was publicly whipped. When an Indian woman was caught stealing clothes from a white woman, the chief ordered her stripped to the waist and lashed publicly in downtown San Bernardino; her screams carried for blocks.

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During this time, California legislators passed a law allowing judges to parole Indians convicted of misdemeanors into the custody of a white man for a week's labor. It became standard practice for farmers or ranchers to take several Indians out of jail on Monday morning and work them without pay until the following Saturday. On Saturday night they would give each Indian a bottle of whiskey and turn him loose in San Bernardino. If he was found drinking within the city limits he was promptly arrested. On Monday morning a judge would again sentence him to a week's labor, and the waiting white boss would start the process all over again.

In December 1861 a Cahuilla killed another Indian, and the sheriff arrested him. Chief Antonio asked the sheriff to release the man so that Antonio might administer his punishment. The sheriff refused without a proper court order.

Chief Antonio gathered forty of his armed warriors and rode to the home of Justice Valentine Herring. The chief dismounted, faced the justice, and addressed the men who were gathering about. "I come not here as a child to play, but as an old gray-haired Chief to transact business and talk. I came because my people have asked me; they sent for me. I was far away from my village when they came and told me that murder had been charged upon my people. I came a long way to meet with you. I am an American, my people are all Americans. This is our country, and it is yours. We are your friends; we want you to be ours."

He paused, his eyes never leaving the men who faced him. He then continued, "Some of my people are bad and commit crimes. He alone should be punished who murders and steals. If the Governor of the United States should say my people are all bad and must be killed, then you should kill us. But, the Governor does not say so, and he never will. My people are buried all around, killed by the white man. I shall take my people away from this place, and there will be no more of this. When white man want Indian to work, they can come get a recommendation from our village, and then they will get good men. I will deliver up any white man who commits a crime. I will punish my people my own way. If they deserve hanging—I will hang them. I am done."

Justice Herring considered what he had heard and was satisfied that Chief Antonio's justice would be harsher than his own. He ordered the sheriff to release the prisoner into the chief's custody.

In the end it was not the courts, nor white laws, nor even battle that defeated Chief Juan Antonio; it was a silent killer—smallpox. In the winter of 1862 an outbreak started in Los Angeles and soon raged through the San Bernardino valley. Whites gathered for vaccinations but the Indians were overlooked and hundreds died.

The Cahuillas, as was their custom, treated illness with sweat baths followed by cold baths. The procedure brought fatal results. After Juan Antonio contracted the disease he sent the remainder of his people to San Jacinto. Then Chief Antonio chanted his death-song alone, knowing his time was at hand. He was buried in an unmarked grave, the last great chief of all the Cahuillas.

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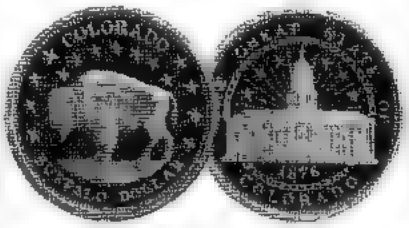

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Books

Life of a Cherokee Writer

John Rollin Ridge: His Life and Works, by James W. Parins. (University of Nebraska Press, 901 North 17th Street, Lincoln, Nebraska 68588-0520. $30.00 cloth bound.)

John Rollin Ridge, Yellow Bird, is a fascinating historical figure, and any serious study of his life will involve Cherokee history, the history of the 1849 gold rush to California, mining history, mid-nineteenth century American poetry, a history of journalism, and the history of United States-Cherokee relations up to the time of Reconstruction. It must also involve a study of the legendary California bandit, Joaquin Murieta, the book Ridge wrote about him, and its impact on the history, legend, and lore of California, and by extension, of the United States.

Parins has recognized all this and dealt with it all admirably. The book includes the necessary background information on Cherokee history to give the reader an understanding of Ridge's place there, his motivations, and his character. A mixed-blood Cherokee, Ridge was the son of John Ridge and grandson of Major Ridge. Both were prominent figures in the Cherokee Nation and both were assassinated by other Cherokees for signing the Treaty of New Echota, which the United States used to justify moving the Cherokees from their ancestral homes in the old southeast into what is now northeast Oklahoma. Young John Rollin Ridge witnessed his own father's murder.

Parins does not make excuses for Ridge's shortcomings, but he does attempt to explain them in terms of the times in which Ridge lived and the circumstances in which he found himself. If we do not always admire Ridge, we can at least understand his actions. A contemporary reader will find much to admire about Ridge and much to condemn, but Parins' thorough and well-documented research and clear, concise writing have made it not only possible but relatively easy for us to find that understanding.

For the general reader, perhaps the most valuable thing about this book is that in Ridge we have a historical figure who found himself in the midst of a variety of situations which time has shown to be of significance in our country's history, and he was at once, to our great benefit, both a keen observer and a prolific writer. Much of the value of that combination is passed on in this volume.

Ridge was also a prominent poet of his time, and Parins has not written a straight biography, as his title indicates. One full chapter is devoted to a critical assessment of Ridge's poetry. Another is devoted to a study of his romance, *The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit*. Other chapters include summaries and assessments of his other writing: letters, essays, editorials. One might even dare to hope that this book will lead to a general reassessment of Ridge's place in the history of American letters.

Overall, Parins has done a remarkable job with a fascinating subject. This is a book I am thrilled to have read and pleased to have on my shelf. It's a book I will refer to again and again.—*Robert J. Conley, Tahlequah, Oklahoma.*

Growing Up in a Boomtown

A Kid on the Comstock, by John Taylor Waldorf, edited by Dolores Waldorf Bryant. (University of Nevada Press, MS 166, Department F91, Reno, Nevada 89557-0076. $12.95 paper bound.)

John Waldorf's memoirs of his Virginia City childhood in the 1870s and 1880s are a most readable account of that tumultuous, vibrant era. Written about twenty years after leaving Virginia City, the accounts are both nostalgic and insightful.

Living in Virginia City from the age of three to almost sixteen, Waldorf then ran away from home to become a sailor. His writings are filled with numerous adventures and anecdotes. The fate of a "squaw-man," an ostracized Indian found by his peers to lack courage in battle and therefore relegated to wear women's clothing the rest of his life, is most poignant. Nevertheless, the reminiscences are not without gaiety. The young boys slide down hillsides, play amidst monstrous mining machinery and dump sites, and take frigid swims in mine drainage ponds.

In "The Quick and the Dead" the

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author describes some Indians' uninvited participation in a Chinese burial ceremony. Under cover of darkness the Indians feasted on the abundant foods the Chinese placed on graves as offerings for departed spirits. Consistently each morning all the food was gone, except for the rice, to which the Indians had an aversion. Initially the Chinese believed spirits had eaten most of the food but eccentrically discarded the rice. Evenutally suspicious, the Chinese investigated and caught the Indians feasting.

The memoirs do not ignore the ugly side of nineteenth century American industrialism. Prejudices against the Chinese were reflected by half-grown "hoodlums" stoning the "foreigners." The drudgery and perils of mine labor are detailed, along with worker animosity toward capital and management. Even among the downtrodden Chinese and Indians, cultural struggles were evident as menial laborers competed for the modest tasks allotted them, such as wood peddler and launderer.

A Kid on the Comstock, lavishly illustrated with nineteenth century photographs, is a captivating account of a young boy growing up in a famous mining camp, and is highly recommended for both pleasure and scholarly reading.—*Kemp Burpeau, Wilmington, North Carolina.*

Indian Weaponry

Bows and Arrows of the Native Americans, by Jim Hamm. (Lyons and Burford, 31 West 21st Street, New York, New York 10010. $19.95 cloth bound.)

Several years ago, when I needed to know exactly what Apache and Chumash Indian bows and arrows looked like for a novel I was writing, I was dismayed to learn that the cupboard was pretty bare when it came to published books on Indian weaponry. So when I was asked to review *Bows and Arrows of the Native Americans*, I looked forward to reading it.

However, at first glance I was disappointed, as the book is more of a "how-to-make-it" book than it is a reference book on Indian bows and arrows. As such, it will not be of much interest to the advanced scholar who is looking for exact descriptions of remote tribal weapons.

But at second glance, this is a fascinating book for the Old West buff. After all, in just about all of the western movies, novels, and even nonfiction books that have been produced in the

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last century, Indians almost always appear with their bows and arrows magically at the ready, as if they had just purchased them at the trading post or military commissary, or found them lying conveniently behind a rock. Historians of the Old West, in fact, have paid little attention to describing exactly how an eighteenth or nineteenth century Indian made his weapons.

However, in this book author Jim Hamm, from a lifetime of hunting deer just as Native American Indians did, takes readers step by step through the painstaking, trial-and-error process of making an Indian bow that won't break, and arrows that will fly true. Hamm has not created just another "how-to" book, but one that offers a vicarious journey of patience, frustration, and pride in the finished product.

This is not a large book, there are not many historical anecdotes, and some of the more technical aspects will not be of interest to fans of Old West history. But when you have finished reading this book, believe me, you will never again watch a western movie or read a western novel without appreciating how much work went into these basic weapons that are usually taken for granted as just part of an Indian's wardrobe.

Part of the charm of this book is that Hamm is not a professional writer, he is a professional bow and arrow maker. As such, his refreshing, sometimes self-deprecating, homespun jargon makes easy reading, and his tongue-in-cheek wit shows up throughout the book, giving even the most potentially boring technical parts a welcome lift.

Along the way, Hamm sifts in enough scientific and historical trivia to make the reader appreciate the skills of the Native American Indians even more. For example, it is best to cut wood for bows and arrows during the winter, when there is less sap in the trees, and good bow wood should cure about two years before it is made into a bow. Hamm relates that Indians painted some bows not for decoration, but for camouflage, and that arrow markings made it easier for individuals to identify their own kills after a communal hunt. Hamm discusses ways Indians "silenced" their bows to keep from scaring away game and marked arrows to watch them in flight and make them more visible in the brush after a miss. Hamm comments that most Indian arrowheads were made of flint or obsidian, but that some Indians, like the Comanches, were obtaining ready-made steel arrowheads from Spanish settlers as early as 1700.

One bit of trivia that I found most in-

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teresting is exactly how sinew was taken from an animal, what part it is taken from, what the sinew looks like, and how it is prepared for use. Hamm even explains which animals provide the best sinew.

Besides all the "how-to" photos, Hamm has sprinkled his book with enough old-time photos to keep historians interested. His chapter on quivers is mostly an analysis of original Indian quivers. And his short final chapter on using his own hand-made bows and arrows during a foraging trip is a clever and funny ending to the book that highlights, through Hamm's frustrations, the hunting skills of the Native Americans as well as their ability to handcraft weapons.—*Lee A. Silva, Long Beach, California.*

Quick Western Reference

Scrapbook of the American West, by E. Lisle Reedstrom. (Caxton Printers, 312 Main, Caldwell, Idaho 83601. $17.95 cloth bound.)

Reedstrom, who will be remembered for his Western Writers of America Spur Award-winning book *Bugles, Banners, and War Bonnets*, is both author and illustrator of this encyclopedic grab-bag of Western lore which, of course, reflects his own interests in over thirty years of research.

The book is broken into sections—Indians, mountain men, animals, wagons, weapons, gold miners, the military, and cowboys, plus a miscellany of everything from lawmen's badges to poker odds. In many cases, sources of information are given.

Reedstrom is interested in authenticity and accuracy, so the text appears to be clean of errors, though there are typos. The classic Winchester 94 appears in .30-03 caliber, for example, instead of .30-30. And he does not repair misspellings in reprinting Heitman's list of 1866 Indian skirmishes. Thus, we still have a "Miembres" River in New Mexico and a "Stein's" Peak in Oregon. Perhaps the author fence-straddles a bit on the controversy over who, Indians or whites, introduced scalping to the far West, but he is one hundred percent convinced that Custer's trapdoor Springfields were prone to jam. The Seventh Cavalry would probably have done better at the Little Bighorn with Spencer carbines. The bull-headed army was not interested in Winchesters.—*Richard Dillon, Mill Valley, California.*

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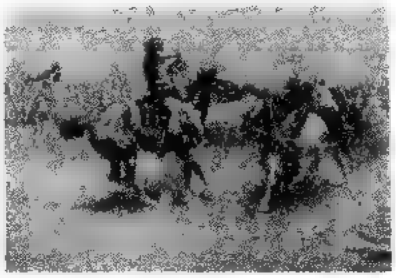

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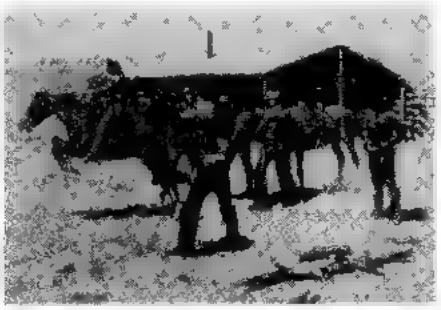

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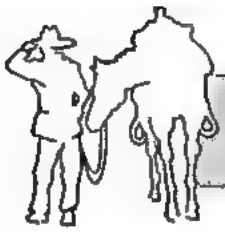

Trails Grown Dim

Dunbar

I am working on a family tree and would appreciate any information on the Dunbar family. Thomas, born in 1842, John O., born in 1856, and William were all born in Bangor, Maine. Their parents came from Scotland. Thomas was married to Agnes Burgett and had four sons, Edward W., John A., Thomas A., and Arthur A., He owned the Tres Alamos Ranch and was known as the father of Cochise County, Arizona.

John was editor of many Arizona newspapers, including the Tombstone *Epitaph* and the Benson *Herald*. John was a friend of John Behan and former senator Mark Smith. He had a son named Mark and a stepson, William. The Dunbars also had livery stables in Benson and Tombstone.—**Alfred J. Smith, 5735 Parapet Street, Long Beach, California 90808.**

Burris-Bohanon

I am looking for anyone who may know about a town marshal in Harlan, Kentucky, who was shot and killed in the early 1900s. He had a daughter, born March 27, 1910, named Pauline Edna, who I believe was raised by friends or family in Virginia or West Virginia. Their name was Burris, and this was the name she used as her maiden name.

Pauline married Claude Lewis Bohanon in 1926 or 1927 in Kentucky or Tennessee. If you think you have any information about the marshal or that may help me trace my mother's family, please let me know.—**Jim Bohanon, 960 Orchard Street, Zanesville, Ohio 43701.**

Loving

The June 1991 issue of TRUE WEST featured an article about "Cockeyed" Frank Loving. I am trying to find out if he, "Three-fingered" Jack Loving (if there was such a man), and Oliver Loving, of Goodnight-Loving Trail fame, were related to any of the following people: Gabriel Loving, 1725–1790; his son, Thomas, 1746–1827; or Thomas' sons, Gabriel, 1781–?, David, 1782–?, and Tennessee, 1785–1870.

David's son was John Wesley, 1834–1916. John's son was Robert Elias, 1874–1941. Robert Elias married Lydia Susan Garrett in 1896 in Texas County, Missouri. They had seven children, one of whom was my father-in-law.—**Beverley Loving, 2791 Canal Court, Fairfield, California 94533.**

Garrett

I am looking for information about Thomas Garrett, the son of Osborn (or Osburn) P. Garrett and Mary (Head) Garrett. Thomas had one sister, Mary, who married James Hiriam Grimes and later Samuel Lafeyette Swindell. Thomas and Mary were born in Leon County, Texas, in 1860 and 1861.

The Thomas Garrett clan may have lived in southeastern Oklahoma around Ada or Colbert. They were listed in the

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1900 census in Denton County, Texas, at Pilot Point, living with the Samuel Swindells.—**Betty Garrett, 1517 Cherry Street, Gainesville, Texas 76240.**

James

I am searching for information about the James family. My great-great-grandmother was Liza (perhaps Eliza or Elizabeth) James. She had a sister named Nancy and two other sisters whose names I do not know.

The four sisters were reportedly cousins to the notorious outlaws, Frank and Jesse James. Can anyone help me verify this?—**Bill Curran, 20 West French Street, Rice Lake, Wisconsin 54868.**

Oliver

Mary Harrison "Mollie" Oliver was born February 15, 1853, in Anderson County, Kentucky. Her family moved to Linn County, Missouri, in 1871 or 1874, and to Iowa in 1875.

She married James Franklin Logan in Knoxville, Iowa. James and Mary lived in Pleasantville and later Des Moines, Iowa. In 1886, with three children, they moved to Smith Center, Kansas. Ultimately they had nine children. They were Jessie, Chester, Fay, Marion (my grandfather), Robert, and Margaret, all of whom grew to adulthood; and Amy, Walter, and John who died in infancy. Mollie died of typhoid fever on Friday, August 28, 1896, in Thomas County near Colby, Kansas.

I would like to hear from anyone with information on the Oliver family. I do not have her parents' names, but I know she had five brothers and three sisters living at the time of her death.—**Evelynne M. Ritter, 417 North Eleventh, Guthrie, Oklahoma 73044.**

Readers' letters for "Trails Grown Dim" are printed as soon as space permits, so please be patient. Please type or print your query and limit letters to 150 words or less. Photos are welcome. We can't run current "missing persons" notices or lengthy genealogical requests, but we do attempt to print all letters as soon as we can. Any reader having information concerning persons referred to above is asked to communicate directly with the letter writer; please do not write to us.

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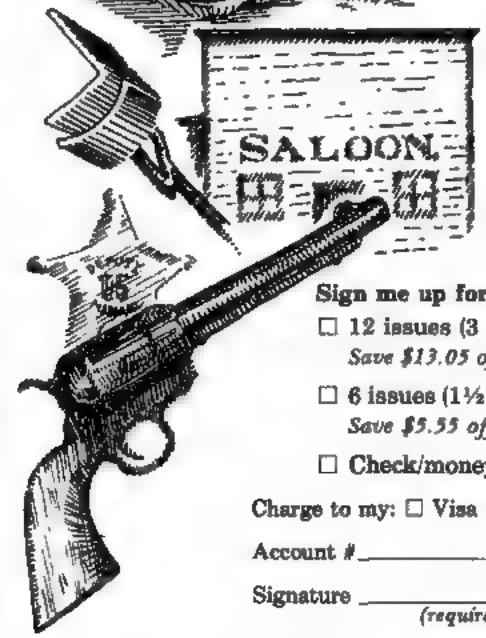

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Pat Garrett's Posse vs. Oliver Lee and James Gililland
—July 12, 1898; Wildy Well, New Mexico Territory—

By BILL O'NEAL

One of the most spectacular shootouts of the late 1890s involved two experienced and hard-bitten southwestern gunmen—Oliver Lee and Pat Garrett. It was Garrett's only defeat in a gunbattle.

Lee went to New Mexico Territory from Texas at the age of eighteen, eventually becoming a prosperous rancher. On occasion he wore the badge of deputy sheriff and deputy United States marshal. Widely known as a crack shot, Lee first used his guns in anger during a feud with a neighboring rancher named John Good, perhaps firing the bullets which killed Good's son. In 1893 Lee and Bill McNew engaged rustlers Charley Rhodius and Matt Coffelt in a running fight about ten miles northeast of El Paso. Lee fatally wounded both rustlers with rifle fire. The next year Lee was suspected of assassinating Francois Jean Roches to acquire his property.

Garrett was another dangerous man with a gun. He killed his first victim during an 1876 brawl in a buffalo hunters' camp in the Texas Panhandle. In 1880 Garrett was elected sheriff of Lincoln County, New Mexico Territory, to restore order to the violent, crime-ridden area. He soon shot a thug named Mariano Leiva. Particularly targeted were Billy the Kid and his band of rustlers: on December 19, 1880, Garrett (or a deputy) mortally wounded Tom O'Folliard; four days later Garrett and his posse fatally shot Charlie Bowdre and captured the Kid and three other confederates. After the Kid shot his way out of custody, Garrett tracked down and killed him on July 14, 1881.

When noted lawyer and politician A.J. Fountain and his nine-year-old son mysteriously disappeared in New Mexico's White Sands, it was widely thought that Lee, McNew, and a strapping cowboy named James Gililland had murdered them. Garrett, who had been a horse rancher at Uvalde, Texas, for the past several years, was summoned back to New Mexico in 1896 to become sheriff of Dona Ana County and head the manhunt for the suspected murderers.

In time Garrett placed McNew and another suspect behind bars, but Lee and Gililland proved elusive. Finally Garrett learned that they had taken refuge at Lee's ranch at Wildy Well, about thirty-two miles south of Alamogordo. Garrett hastily gathered deputies Jose Espalin, Clint Llewellyn, Ben Williams, and Kent Kearney, a former schoolteacher.

The posse rode through the night and arrived at Wildy Well about four o'clock on Wednesday morning, July 12, 1898. Garrett led his men on foot the last mile, and Espalin removed his boots for the final approach. Through the predawn moonlight the lawmen could see a flat-roofed adobe house, a galvanized water tank, a pump house, outbuildings, and a corral holding Lee's and Gililland's horses. Unknown to the lawmen, Lee and Gililland were warily sleeping atop the flat roof of the house, which commanded the entire area.

GARRETT CREPT into the house, six-gun at the ready. Startled awake were the Madison family—husband, wife, and two small children—and a traveler named McVey. No one would reveal the whereabouts of the outlaws, but when the posse began to search outside, McVey tried to signal the men on the roof.

The lawmen discovered a ladder to the roof and Garrett ordered McVey and then Madison to climb it, but both men refused. Garrett assigned Llewellyn to guard the people inside the house. Stationing Williams beneath the water tank, Garrett led Kearney and Espalin atop a low wagon shed which adjoined the house. Garrett and Kearney peered onto the roof of the house just as Lee and Gililland aimed their Winchesters.

Kearney, who had climbed a few rungs up the ladder, and Garrett both opened fire. Two bullets narrowly missed Lee, and return fire almost hit Garrett, who leaped off the roof and scrambled for cover inside an outbuilding. Espalin also bailed out, but was pinned down beside the house.

Before Kearney could find shelter a slug shattered his shoulder, then another bullet bored into his groin as he toppled to the ground. Madison tried to herd his family into a root cellar as Garrett fired from the outbuilding, and Williams tried to provide supporting fire.

But Lee and Gililland methodically riddled the water tank, drenching Williams. Now the only lawman who could fight back, Garrett called upon the fugitives to surrender. Lee replied that he and Gililland controlled the situation, and Garrett had to agree.

LEE PERMITTED the lawmen to withdraw, although Garrett had to abandon the severely wounded Kearney. The humiliated officers hiked back to their horses, Espalin hopping through thorns and cactus stickers in his bare feet. When Lee and Gililland rode to safety, Kearney prevailed upon Mrs. Madison to cut out the slug in his groin with her only available scalpel, a dull butcher knife. Although Kearney soon was taken to town, he died the next day.

Lee and Gililland eventually negotiated a surrender, then won acquittal after a spectacular trial. Gililland became a rancher, and until his death in 1946 he frequently lamented participating in the Fountain murders with Lee and McNew. Lee lived until 1941, twice winning election to the New Mexico legislature, and serving as an officer and director of numerous business organizations.

Following the only unsuccessful gunbattle of his career, Pat Garrett was not renominated for sheriff. He briefly operated a livery stable in Las Cruces, then received an appointment from Teddy Roosevelt as a customs collector in El Paso. Refused reappointment in 1905, he returned to ranching east of Las Cruces. Hard pressed financially, he was involved in a feud with a neighbor, and as a result he was murdered in 1908.

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Victor Trevitt's Last Wish

By JAN HOLDEN

Only a portion of Memaloose Island is visible today; three-quarters of it lies buried beneath the Columbia River. It was not always so, for Memaloose was once a sacred burial ground for thousands of Northwest Indians—and one white man.

The white man was Victor Trevitt, former printer, real estate salesman, tavern owner, and state senator from Wasco County, Oregon. The Indians were from various mid-Columbia tribes. The latter had their eternal rest interrupted when they were reburied in the Washington mainland's Wish-Ham cemetery, six miles east of Lyle, Washington.

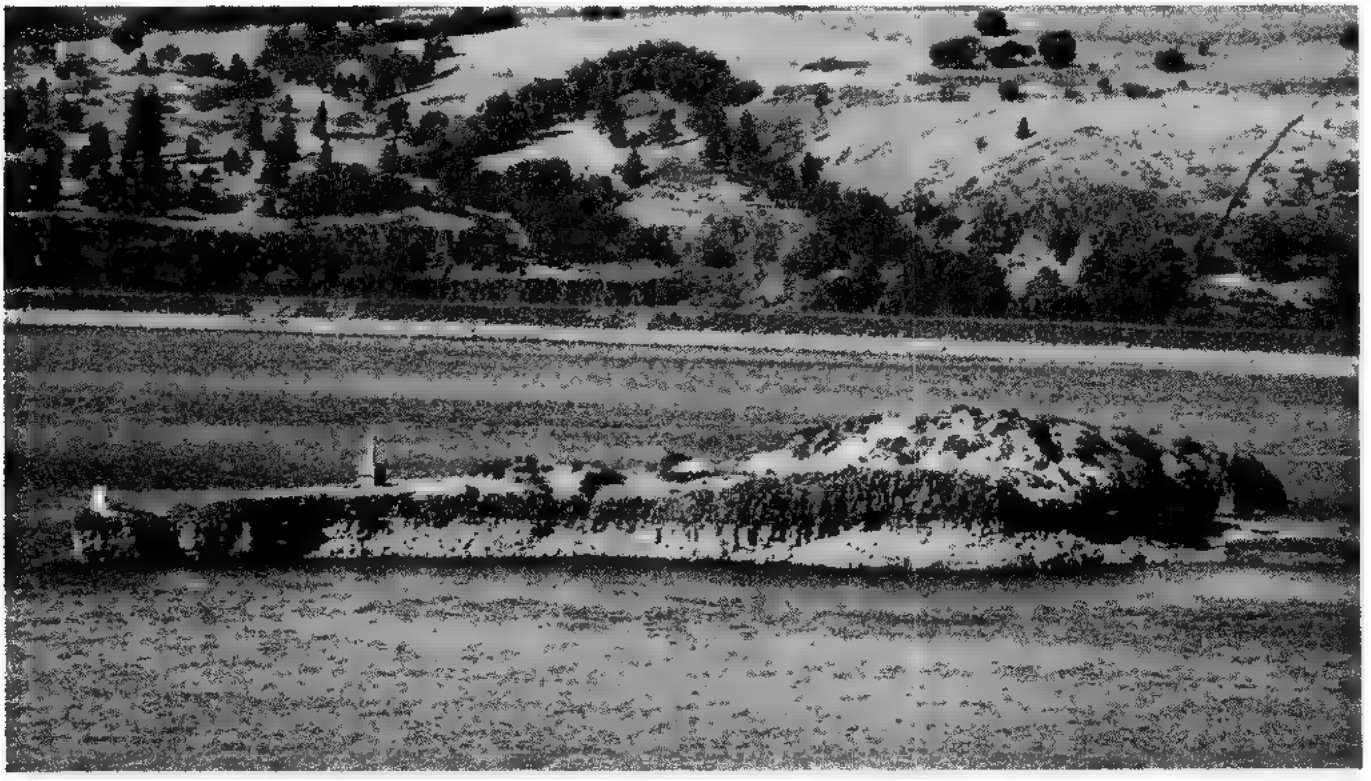
Memaloose Island was once named Sepulcher Island by Lewis and Clark, who were the first white men to see it. The upriver end was rolling, rocky, and black with basalt. The downriver end was sandy and dotted with shrubs and flowers. It was a quiet place, safe from predators and, for a time, from human encroachment.

The name Memaloose came from the Chinook word "Memalust," meaning "to die." The island was a sanctuary for those waiting for the resurrection, a place where the living would not disturb them. It was definitely off limits to white men.

Yet one white man did not understand. He developed a sense of kinship with the Indians and a growing distrust for those of his kind.

By the time Trevitt had opened his third tavern and was doing much of the pouring himself, he had learned a bitter lesson. White men could be hard drinkers and extending credit to them was a losing proposition. After indulging beyond his capacity, many a miner, his thirst quenched, forgot the debt he owed Vic Trevitt.

Victor Trevitt was a distinguished Oregon pioneer. He was born in 1827, the son of David Trevitt of New Hampshire. Victor moved to Ohio at an early age and in 1847 set off with his uncle to fight in the Mexican War. He remained in the army until 1850, when he moved to Oregon and established himself in the printing trade. In The Dalles, the Wasco County seat, Trevitt became active in



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Memaloose Island, where Indians were buried as long ago as Romans were being buried along the Appian Way. The island is shown here in 1954, just prior to flooding by The Dalles Dam. Note the marble monument to white man Victor Trevitt.

Oregon Historical Society

Victor Trevitt.

real estate development, selling homesites at that frontier town. He eventually ran for territorial representative in 1858. During this time he is believed to have married a young Indian woman, possibly of the Wasco tribe.

Soon Trevitt built a tavern and became as popular a saloonkeeper as he was a politician. His clientele consisted of goldseekers, some of whom took advantage of the barkeep's generous nature. By the time Trevitt had opened his third tavern and was doing much of the pouring himself, he had learned a bitter lesson. White men could be hard drinkers, and extending credit to them was a losing proposition. After indulging beyond his capacity, many a miner, his thirst quenched, forgot the debt he owed Vic Trevitt.

If the barkeep was losing saloon business, at least he was gaining political stature in The Dalles. In 1866 Trevitt was elected state senator; he served in that capacity until 1874.

When his political term was completed, Trevitt returned to The Dalles and his everyday life. His three taverns were on hard times, as the miners were gone and ordinary folks couldn't keep three taverns afloat. In order to keep his head above water, Trevitt took to blackjack and faro. However, he lost more than he won, and eventually the former senator was broke.

His Indian wife was gone now, but Trevitt maintained friendly relations with the Indians of the region. He found them honest in their dealings and noble and steadfast in their character, the same traits he found wanting in many of his fellow white men.

Trevitt made several daylight visits to Memaloose, where he spent hours "visiting" his Indian friends. Some slept in the very canoes they had manned while alive. Others sat upright in tribal council, their bones bleached and scoured smooth by the elements. The scene tugged at Trevitt's heart. He too wanted to awaken from a long sleep with his Indian brothers on the great judgment day.

IN 1882 Trevitt married for a second time. His wife was Mary Hunt-Miller, widow of Judge R.T. Miller. They had been married less than five months when Trevitt took ill and died in San Francisco.

In accordance with his last wishes, Trevitt's body was shipped back to The Dalles in January 1883; there he was buried on Memaloose Island with the natives. It was an unusually cold January, and the Columbia was choked with ice. Thus interment was not possible until February 4.

A memorial service was held while many who had known Trevitt puzzled aloud about his bizarre wish to be buried with the Indians. Word spread quickly, and unfortunately for Trevitt, the Indians were not happy about his final resting place. White men had never been laid to rest on their sacred ground, and Trevitt's presence marred the harmony of the place. Gradually the surviving tribesmen began to gather the bones of their ancestors for reburial.

Years passed and time and nature took their toll upon those who remained on the melancholy island. In 1957 the government moved some 650 bodies upon completion of The Dalles Dam and just prior to the final flooding of Memaloose. The bodies were situated in Wish-Ham Cemetery and a commemorative monument erected for the unknown dead. Only Vic Trevitt remained. The man who had declared he would take his chances with the Indians was left alone, with only the lapping waves for company.

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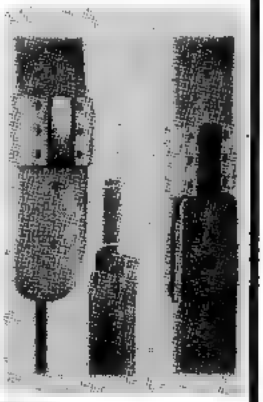

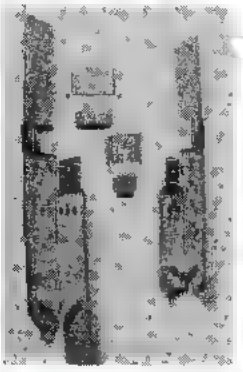

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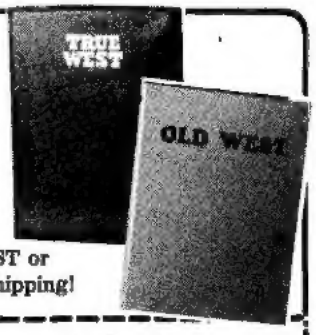

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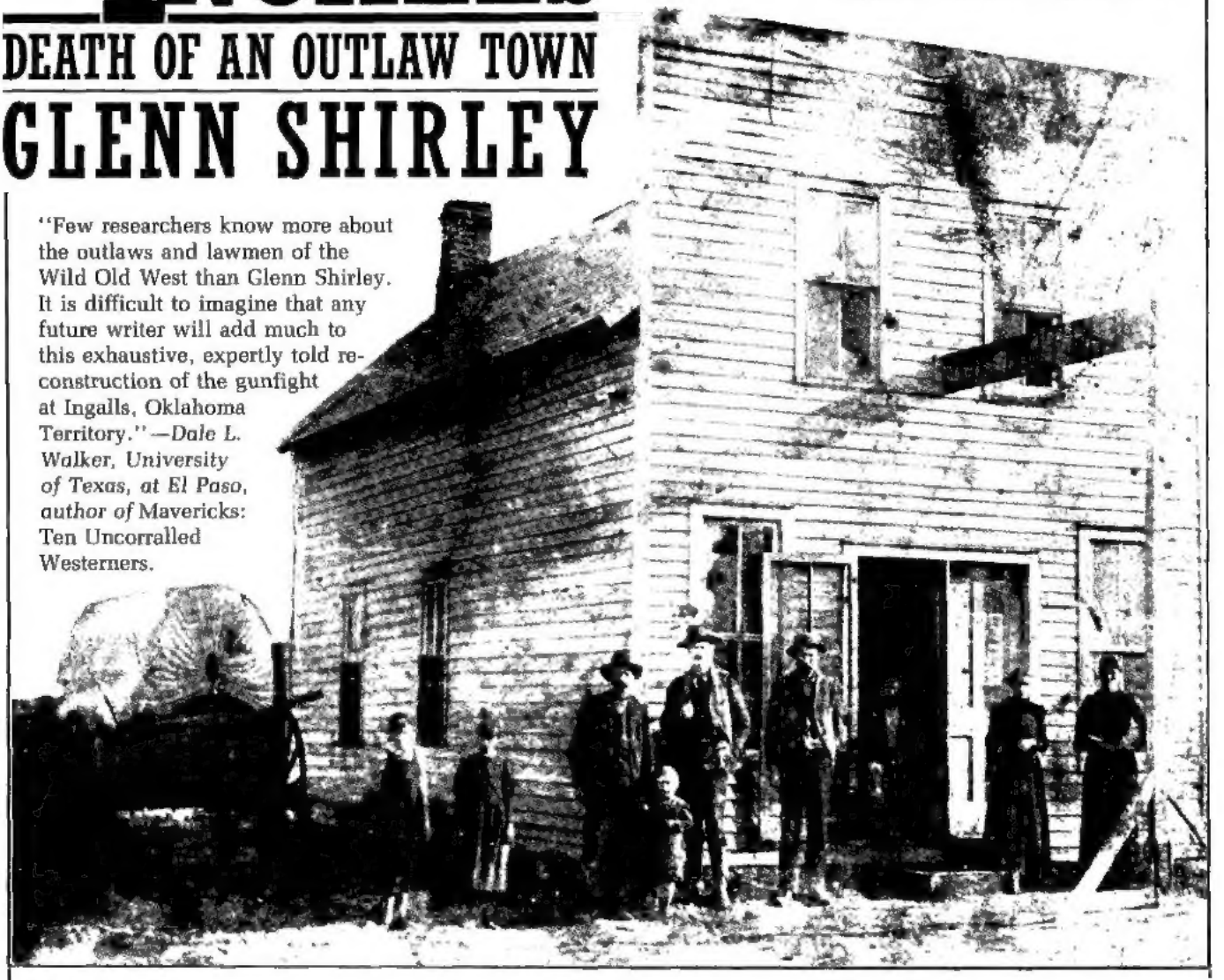

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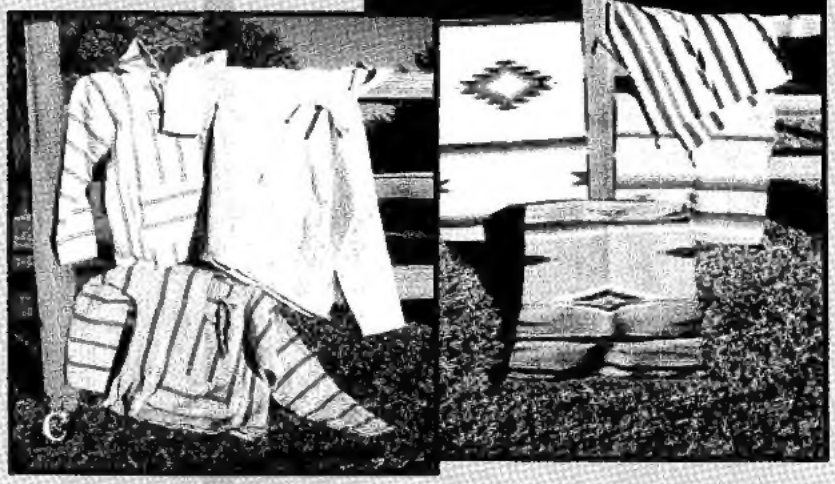

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